SENATE—*Tuesday, February 8, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, who fills our hearts with songs of thanksgiving, each day we lift our hands in prayer to You, for You are always merciful. Thank You for blessing us each day.

You have rescued us from dangers and kept our feet from slipping. You banish our worries and calm our fears. Thank You for Your eagerness to forgive us and for Your unfailing love. You alone are God.

Today, strengthen the Members of this body. Help them to trust You without wavering. Teach them Your ways, that they may live according to Your truth. Give them purity of heart, that they may honor You. Use our Senators as instruments of peace on Earth. We pray in Your great and Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 1 hour, with the first 30 minutes under the control of the majority leader or his designee and the second 30 minutes under the control of the Democrat leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we will have a 60-minute period of morning business today, prior to resuming consideration of S. 5, the fairness bill. The bill managers will be here between 10:30 and 10:45 to begin debate. Amendments also are in order today, and I expect we can make good progress over the course of the day on the bill. I reiterate, Members should notify their respective cloakrooms if they intend to offer amendments to this legislation.

The Senate will stand in recess today from 12:30 to 2:15 for the weekly policy luncheons.

Also, I alert Senators that the Chertoff nomination to be Secretary of Homeland Security is now available on the Executive Calendar. We will be looking for the first available window to schedule that nomination for floor consideration as well.

I yield the floor.

The PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. I take it we are in morning business, Mr. President?

The PRESIDENT pro tempore. We are in morning business.

Mr. GREGG. Mr. President, I yield myself such time as I may consume under morning business up to 10 minutes.

The PRESIDENT pro tempore. The first 30 minutes is under the control of the majority leader or his designee.

THE BUDGET

Mr. GREGG. Mr. President, I am rising to discuss the budget as presented yesterday to the U.S. Congress and to the American people by the President of the United States. Let me begin by saying I think the President has been courageous. He has stepped forward and addressed some of the most critical problems that we have as a nation, one of them being the fact that we are running excessive deficits, another one being the proper prioritization of our spending in a time of fiscal restraint. It is appropriate, as the President has proposed, that we return to a period of fiscal restraint so that we do not end up passing on to our children massive amounts of debt, and so that we can assure the international community and our own people that we are going to live in a fiscally responsible way as a Government. That is what the President's budget has proposed.

I think it is important, before we address the specifics of the budget, to talk a little bit about the context in which this budget is sent to us. Remember, when this President took office we were headed into a fairly significant recession. It was a recession that had arisen out of the most rapid economic expansion in our history. It was called a bubble, and was appropriately defined as a bubble, the Internet bubble of the late 1990s. When that bubble broke, it was very likely and it would be historically consistent if we had gone into an extraordinarily deep recession. But the President of the United States had the foresight at the beginning of the recession to propose to the Congress, and the Congress supported it, a fairly significant tax cut which was able to shallow out the recession. That is the classic approach to addressing a recession, in trying to move out of recession: cut taxes so you create more economic activity. You leave more revenues at home with the people, allow them to spend more of their own money, and as a result you come out of the recession more quickly. And that is exactly what happened.

Today we are seeing a robust recovery. We are seeing a very low jobless rate. I think it is down to 5.2 percent, in fact. Even though there was a significant revenue reduction, a tax cut in the first term of this Presidency, we are now seeing revenues growing at an extremely robust rate: Last year, 9.2 percent, this year they are going to grow by 6.5 percent, it is projected next year at 7 percent, and so on into the future. As a result of his economic policies, we are seeing a recovery.

In addition to being confronted with a recession, he was, of course, confronted with the fact that the United States was attacked, attacked mercilessly by evil people. The damage caused by that attack was not only personal loss, which was dramatic and obviously horrible, but it was also economic loss, having a significant impact on our economy and, as a result, causing us in the Federal budget to specifically have to spend a lot of money we hadn't anticipated spending fighting the war, and also having an impact on our revenues as a Federal Government.

The President has been prosecuting this war against terrorism in an extremely aggressive and appropriate way and the results are pretty obvious. We have not been attacked, now, for almost 3 years. We invaded Iraq to change a totalitarian, despotic regime, and we have been successful there. We have seen an extraordinary event there, the elections which just occurred. Afghanistan is on the road to democracy. The success in the war on terror cannot be denied. We are making significant progress, but it is still a war we need to fight and we need to expend considerable resources to accomplish that. So there has been this dual pressure put on our Federal Government: first a recession, and, second, fighting a war on terror that had not

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

been anticipated when this President came into office but has been well handled by this President since he has been in office.

As a result, we now confront some significant fiscal questions that we must address. Having put in place the tax cut, which has caused very strong economic recovery and which is starting to show significant revenue increases, and having pursued a course of fighting a war that has cost us a great deal of money, we now must make decisions on how we properly balance our fiscal house in Washington. The President has suggested we do that essentially by looking at all functions of the Federal Government and trying to address them in a comprehensive, thoughtful way, and at the same time in a fiscally responsible way.

There are two issues we confront in the area of fiscal responsibility. The first, of course, is the short-term deficit. How do we get this deficit down? How do we reduce its size so we do not end up taking bills that we are incurring today and passing those bills on to our children to pay tomorrow. The President has put forward a budget that reduces the deficit in half over the next 4 to 5 years. That is an extremely aggressive timetable, but it is one which is very doable. The President has put forward an aggressive and effective outline to accomplish that.

The second thing this administration has proposed is to address the outyear issue, which is even a bigger problem for us as a nation. This is a function of the huge population in this country called the baby boom population. We are going to see a massive shift in the demographics of this country. Beginning in the year 2008, the baby boom population will start to retire. It is the biggest population segment of our society, and the pressure that it will put on the systems that support our retirement, people who are in retirement, will be dramatic, both in the area of Social Security and in the area of health care.

As a nation we have had a very strong commitment to senior citizens, ever since the days of FDR. We can take great pride in the success of that commitment, and we intend to continue that commitment, but the whole genius of the Social Security system, and to a large degree the Medicare and Medicaid system, was the concept it would always be a pyramid; that there would always be a lot more people working than would be those taking out of the system; that there would be many people paying into the system to support individuals who are on retirement.

In 1950, for example, there were 12 people paying into the Social Security system for every 1 retired person supported by that system. Today it is about 3.5 persons paying into the retirement system for every 1 taking out of that system. But because of the size of the baby boom generation, beginning in the year 2008 those numbers change dramatically, and by 2016 there will only be 2 people paying into the system for every 1 taking out, and we go from a pyramid to essentially a rectangle and it is simply not supportable in its present form.

The practical effect of that is that those children who will be working, our children and our grandchildren whom we want to see have a better lifestyle, those two people will have to pay a much higher burden of taxation in order to support that one person who is retired unless we do something about that, unless we address that issue.

So the issue is, do we want to pass on to our children a system that we know will not work, or that we know will put them in a position where they have to pay so much in taxes that their lifestyle will be less favorable than ours has been or will we address this issue today and start to get ready for that retirement boom, that large demographic shift, and as a result taking the burden off our children and grandchildren to a certain degree and assuring them that they also have a retirement system that works?

The President has not only suggested a budget which in the short term addresses the deficit by reducing it by half over 4 years, as I mentioned, he has also stepped forward on this critical issue and suggested we do need to address these major entitlement programs. And he has made proposals in the area of Social Security that have been hotly debated here and that will continue, obviously, to be a subject of considerable consideration.

In this budget he has specifically addressed the issue of entitlement spending, especially in the area of health care and Medicaid, and in a number of other areas such as agriculture. It is those entitlement programs which we as a Congress have an obligation to try to fix today so that they do not end up bankrupting our children and our children's children tomorrow.

The importance of this is highlighted by this chart behind me, the effect of entitlements on the spending of the Federal Government. If you look at this chart, the orange line is entitlement spending, the yellow line is defense spending, the red line is nondefense discretionary spending, and the bright red line is interest.

You can see that in the year 2000, entitlement spending was about 55 percent of the Federal budget. This year it will be about 56 percent. By the year 2015 it will be 64 percent of the Federal budget. As a result, it will essentially absorb all the revenues of the Federal budget—all the revenues of the Federal budget—unless we address these programs today so we have them in order so they do not put that type of pressure on our Federal budget and on our children who have to pay the costs of that budget through their tax burden in the future. That is why reforming Social Security is so important. It is why this budget is such a positive step, a step in the right direction toward reforming the way we, as the Federal Government, operate. That is why I congratulate the President for it.

What the President has proposed is essentially a budget which, for lack of a better term, gores everybody's ox. He essentially has said: Listen, if we are going to get our fiscal house in order, we can have no sacred cows. Everybody's programs have to be on the table. We have to look at every program and prioritize in those programs. Yes, there is a significant increase in defense spending, but the increase in the defense spending is not as great as it had been projected it would be. In other words, the President has looked at the base, the defense spending base, and actually reduced that. If you don't believe me—you don't have to believe me on that. All you have to do is listen to some of the folks outside this building who advocate defense spending for programs they support. We are already hearing from a number of defense contractors, a number of people in the activity of supporting the Defense Department, that their contracts are being impacted because the defense budget has been reduced from what it was projected to be.

The President has put defense on the table. Obviously, he has put nondefense discretionary on the table; that is, all the other spending on the discretionary side in that he has limited the increase in these accounts to about 1 percent less than the rate of inflation. He has picked priorities. He has named 150 programs that he is either willing to reduce or actually eliminate. That is a courageous step on his part. The Congress doesn't have to stick with those priorities.

There are some programs I have concerns about, which everybody else in this Chamber has talked about—this program or that program. But we have to acknowledge the basic goal of limiting nondiscretionary to an increase of 1 percent, which is a reasonable goal. And within that increase, we as a Congress can set the priorities. We don't have to accept all 150 programs the President sent up here as his suggestion for places where we cut or where we will reduce programs. We can pick other programs, but we do have to pick. That is our responsibility in governance.

We have to be willing to step up to the table and say yes, there are priorities in times of a tight fiscal process. We have to make some difficult judgments, and those judgments should be subject to a limitation—a number on which we all agree. And, in my opinion, the President has picked a reasonable number, which is about a 1-percent rate of cut in these accounts.

In the entitlement area, the President has also said we have to slow the rate of growth of entitlements. This chart, as I mentioned, shows that as being an absolutely critical decision. It is about time we do.

He, of course, has suggested an entire national debate on the issue of Social Security. It is not part of this budget. In the Budget Committee, I don't have much impact on Social Security. It is outside our purview. But he also has been willing to step forward on a number of other entitlement programs—specifically Medicaid, where he has made a suggestion which I think makes a lot of sense as a goal. He essentially said, Governors, we will give you an increase that you can use for the purposes of bringing more kids into the Medicaid Program, which is what our goal should be under Medicaid, but the increase isn't going to be as great as you want. However, at the same time, we are going to give you dramatically more flexibility on how you spend that money.

I don't know a Governor who is worth his or her salt in this country today who wouldn't be willing to get a little less money with a lot more flexibility and feel they can do a lot more effective job of delivering that money and getting services out to people who need Medicaid.

I think it is a good proposal, the type of proposal we should embrace and say that is probably going to be very good policy.

In any event, the difficulty of slowing the rate of growth of Medicaid and giving more flexibility to the Governors is one which I think we as a Congress can move forward and hopefully can be part of the budget.

I don't get to make the decisions as Budget chairman. I don't get to make any decisions. The leader may make decisions, and the Senator in the chair. But as Budget Committee chairman, I theoretically put forward a budget—sort of a blueprint, the mark that people work off of for the rest of the year. The Budget Committee comes out with top-line numbers. Then it is up to the Finance Committee to do the mechanics of how that number is going to work.

The President has laid out those specific ideas. But the Finance Committee is led by some very creative people. Senator GRASSLEY is one of the most creative people around. He has a talented group of people who may come up with a different way to approach this. But we should be able to agree that the rate of growth of those entitlements should be slowed. The same is true in other entitlement accounts which the President has addressed. I congratulate him for that.

There are two issues which have received a fair amount of attention from the press, and from the naysayers who gather around this Capitol talking about fiscal discipline, trying to use this basically as a straw-dog argument. I always ask these folks, Where is your idea? Where are you going to make your difficult decisions for controlling spending? You don't usually get that answered. What you usually get is this: He doesn't include the issue of the war costs; or, he doesn't account for his tax cuts; or, the tax cuts are too high.

Let us address both of those issues.

First, on the war costs, the war costs should not be in the basic budget. They should be accounted for, and we are going to account for them. They should be very visible and transparent, and they will be. But these are not one-time items. Unfortunately, they are not. They are certainly two- or three-time items, and they won't be occurring 4 or 5 years out. This is a 5-year budget. The war will be over, hopefully, within a year or a year and a half when our need to put a lot of money into Iraq will drop dramatically. It is looking like that may be the case after these elections. We don't want to build into the base of the Defense Department the war costs so that 5 years from now we are giving the Defense Department all the money they are spending in Iraq as part of their base, because they are not going to need it.

This argument that the war costs are not included is a straw dog. It simply is not a good approach to fiscal accountability. It is appropriate that we account for it, and we will. It is appropriate that it be highlighted, and it will be. But it shouldn't be built into the base of the budget if 3 or 4 years from now we would be spending a lot of money on defense which was spent on the Iraq war and it should not be spent any longer on defense; it should be spent on something else or returned to the taxpayers in tax cuts, which gets me to the second issue.

You can't have it both ways, but some of our colleagues would like that. You cannot be opposed to the tax cut 2 years ago and then say taxes need to go up this year when the numbers show pretty distinctly two things.

One, as I mentioned earlier, because of the tax cut the recession was shallower, more people got back to work quicker, more people had money in their pockets to spend sooner, and as a result the economy recovered faster.

Two, tax revenues are up. They are up dramatically, and they are projected to continue to go up. They are up by 9.2 percent last year, 6.5 percent this year, and headed toward 7 percent next year. They are headed to continue to grow at that type of compounding for the foreseeable future, which means tax revenues are headed back to their historical place as a percentage of gross national product, which is about 7.9 percent; and they are getting there because we have more economic activity as a result of having put in place tax laws which create an incentive for capital formation—jobs and economic activity.

The tax cuts are working in generating more revenue. If you were to raise taxes now on top of this embryonic economic recovery we are experiencing, you would flatten the recovery. And as a result, you would probably be reducing revenue rather than raising revenue because the economy would start to slow down. It would be the absolute wrong policy.

I await with great anticipation a budget from the other side of the aisle. I certainly hope they will put one out this year. They did not put one out when they were in charge of this place, and they didn't put one out last year, or the year before. I await with great anticipation to see the tax increases they will actually bring forward. Maybe they will be the same taxes or the exact same policy which we saw from Senator KERRY when he was in charge—not in charge. I should not say that, but when he was running for President. His proposal was to raise taxes on the highest income Americans and then spend the money, the net effect of which he was going to spend $1 trillion more than he would take in which would have aggravated the deficit by $1 trillion. That is, of course, a policy which, if those on the other side of the aisle want to continue to debate, we look forward to debating.

The bottom line is this: The President has proposed a stringent, responsible budget which moves us toward reducing the deficit by half in the next 4 years. That is what we need to do.

More importantly, the President has stepped forward on the key issues of the outyears—specifically Social Security and entitlement spending—to try to address so we can assure our children do not end up having to pay so much in taxes in order to support us in our retirement years when they cannot live as good and as full of a life as we have had.

I congratulate the President on his budget, and I look forward to working with this Congress in passing such a budget and moving toward fiscal responsibility in this country.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The majority leader.

EXTENSION OF MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that morning business be extended 10 minutes to each side.

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

The Senator from Georgia is recognized.

FISCAL RESPONSIBILITY

Mr. CHAMBLISS. Mr. President, I am pleased to hear our Budget chairman stand up and talk about real fiscal

responsibility. I am also very pleased to see that we have a President who continues to provide the kind of strong leadership Americans demand.

In 1994, when I was elected to the House of Representatives, I campaigned long and hard on the fact that we needed to move the Federal Government back to the same type of fiscal responsibility we ask every single American to make every month when they sit around their kitchen table; that is, not spend more money than we take in. Thank goodness, due to the economy thriving and surging ahead and due to fiscal responsibility on the part of Republicans and Democrats in the 1990s, we were able to not only balance the budget but achieve surpluses. Then along comes September 11, 2001. Since that point in time, we have operated in a deficit situation for a number of reasons.

First, revenues have been declining from the projected increases we thought we would have. But most significantly, we have seen an increase in Federal spending both in defense and nondefense areas, but also in homeland security-related areas irrespective of whether it is defense or nondefense. Therefore, we have seen ourselves projected back into a deficit-spending situation.

But we have a President who has made a commitment to the American people. He made it during the course of the campaign, and he is living up to what he talked about during the campaign; that is, we need to return to more of a balanced budget scenario so our children and grandchildren can see us operating in the black in the future, and we can tell them that we were fiscally responsible and that we will turn this country over to them with a new, sound fiscal condition.

Unless we have somebody who is as bold as this President is with this budget which he has come forward with, that is never going to happen. I am very pleased to see the President is leading us in the right way from a fiscally responsible standpoint.

That having been said, there are a number of programs in the President's budget that he has proposed eliminating. I think there are some 150 programs. In last year's budget that came from the White House, we saw a proposal to eliminate some 61 or 71 Federal programs that were not performing up to the standards at which they should be performing. Therefore, the President was proposing to eliminate those, very much like what he has done this time.

The problem is when those proposals reach Capitol Hill, we tend to look at those programs and then somebody has some parochial interest in those programs and they never get eliminated. I don't know what the programs are this time. I have not looked at the budget in that kind of detail. But I do hope—and I know under the leadership of Senator GREGG as well as Senator CONRAD, who is very fiscally minded always—that we look at these programs which the President is suggesting, that we look at eliminating them, and that we give them serious consideration relative to their efficiency, to whether they are performing at the standard we have always anticipated they perform at, and if they are not performing, then we ought to consider eliminating them.

There are two areas of the budget I do have some concerns about. First of all, we are seeing an increase of about 5 percent in defense spending. I know the President is like me. He is very strong minded when it comes to defense issues. We have a very difficult situation, a very complex situation on our hands right now, relative to Iraq. We are still in the midst of a war. It is imperative that we continue to spend the money necessary to make sure America's military forces are the best trained, the best equipped fighting forces in the world. We need to make sure they have in their possession the latest, most technologically advanced weapons systems that are made anywhere in the world so they can protect freedom and democracy around the world; that they can accomplish what is being accomplished in Iraq today; that is, the liberation of the Iraqi people; that we are giving hope and opportunity to the people of Iraq in making sure they live in a free, open, and democratic society, in a country where freedom does reign; where they have an opportunity to provide a better quality of life for themselves and their children, unlike the society in which they have lived for the past 30 years under Saddam Hussein.

In order to do that, it is imperative we look at the weapon systems we are going to be purchasing over the next decade, over the next two decades, and into the future, because we not only have this conflict to consider, but we must also keep in mind there will be future conflicts out there. We need to make sure our men and women will continue to have the best weapon systems available to them to continue the fight for freedom around the world when freedom calls us.

In that regard, there are two particular weapon systems that are proposed to be eliminated in this budget that I have serious questions about: the FA–22—not that we are eliminating it, but the number we are going to buy—and also the C–130, which is a great weapon system, a weapon system that has been in our inventory for at least four decades, and we are into the fifth decade. Any time you turn on the TV, whether you see the Baghdad International Airport or whether you see the tsunami relief effort, you see C–130s flying the flag of America as well as other countries participating in national security issues.

It is critically important that we review the proposals relative to these two weapon systems. The C–130 is proposed to be eliminated, and the FA–22, we are thinking in terms of not buying as many as we originally thought we would buy.

I was in a meeting this morning at the Pentagon that the President happened to be in, and we had a very good discussion, a frank discussion with the Secretary of Defense and his colleagues relative not just to this issue but to the overall issues relative to Iraq, as well as the budget. I was pleased to hear they are going to continue to look at these two weapon systems, and hopefully we will make some changes from the budget that are more realistic, more reasonable, and decisions that are a lot more correct than the decisions contained within the budget.

The second area I will talk about that concerns me relative to this budget is the proposal to reduce the budget of the Department of Agriculture by some $5.7 billion over 10 years. In 2002, we wrote the latest farm bill. That farm bill was a controversial farm bill. It has been criticized by conservatives. It has been criticized by liberals. It has been applauded by both sides as well. I happen to think it is the right kind of farm bill that allows our consumers in America to go to the grocery store and be able to continue to buy the most reasonable food products of any industrialized country in the world. We spend less money per dollar on food products in this country than any other industrialized country in the world. We have a guarantee that those products are safe and secure, and at the same time we provide the research that allows our farmers to produce the highest quality and the largest yields of agriculture products of anyone in the world.

All of that happens for one simple reason; that is, the action this body, as well as the House of Representatives, takes when we write a farm bill. That is exactly the result that happened from the 2002 farm bill.

This budget seeks to rewrite that farm bill and to reduce the amount of funding under that farm bill. That is wrong. We have to look at the proposals and make sure farmers and ranchers participate in the deficit reduction, which they have always been willing to do. They are the greatest people in America, even though they are small in number these days. They are hard-working, dedicated men and women who have made plans under the current farm bill for 6 years, which is the length of that farm bill. They made financial commitments, they leased land. They have their crop rotations planned out for 6 years. We are in the middle of that. We are in the third year of that.

Those who wrote the farm bill told the Members of the House of Representatives and the Members of the

Senate as well as the farm community that when we wrote that bill we were changing it philosophically to a farm bill that would extend a helping hand to our agriculture community in times of low yields and low prices, but when prices were good and yields were good the Federal Government was not going to be there in the way of commodity payments; that is exactly what happened.

It was projected by the CBO that we would spend for the first 3 years $52 billion. The fact is, we have spent $37.9 billion. The reason is, for 2 of those years, we have had good yields and we have had good prices, so payments have been down.

While I applaud the President and I applaud his administration for being fiscally responsible and coming forward with a budget that does meet his goal of cutting the deficit in half during the next 4 years, we have to be careful and make sure we do not throw the baby out with the bath water and that we make sure we approach this budget for the next 5 years in a sound and sensible manner, in a manner that makes sure our defense community is looked after and makes sure that all of America is looked after when it comes to our agriculture production and our ability to buy safe and secure products in the grocery store.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

THE BUDGET

Mr. ENSIGN. Mr. President, I rise today to talk about a process that many Americans face each year. Imagine your average American family with paper and pencil in hand, gathered around the kitchen table discussing their budget for the year. Their funds are limited—and going into a deficit is not an option for them, like it is for their Government. They must choose their priorities, cut the wasteful spending, and make sure that their spending does not add up to more than their income.

Here in the U.S. Congress, we've been tasked with the same job. Those taxpaying families that toil over their own budgets expect us to put the same thoughtfulness into how we spend their hard-earned money here in Washington, DC. And for too long, we have been largely irresponsible with how we spend their money. First, we have to prioritize our spending—and that means making tough choices.

Our top priority today must be our security. That includes the security of our borders and the safety of the brave servicemen and women in Iraq, Afghanistan, and around the world who are helping secure our borders and our freedom. We must be vigilant in making sure that our military has the tools it needs to get the job done.

We also cannot afford to turn our backs on the economic growth that we have been experiencing. Economic growth continued job creation are what will help bring increased revenue into the Government coffers and ultimately help reduce our deficit even further.

Now some critics of the President's budget in the Senate might say that we should raise taxes on the American family to reduce the deficit. I don't think that takes us in the right direction.

That kind of thinking fails to recognize how the tax cuts of 2001 and 2003 have helped our economy grow. This growth has resulted in 20 straight months of increased employment. In 2004 alone, America created 2.2 million new jobs. Each of these workers is gainfully employed and taking care of their own family. They are also paying taxes.

In fact, as a result of increased employment, even with lower tax rates, individual income tax revenue will increase almost $73 billion this year. Overall revenue is expected to increase by almost $125 billion this year. I think this is proof that the tax cuts worked. This is one important reason we have to make sure that we don't raise taxes on American families this year and in the years to come.

After we decide what our priorities are when it comes to spending, we have to make more difficult decisions about what we will cut from our budget. As we would tell our children and as we must sometimes remind ourselves, ''Money doesn't grow on trees.'' Our budget must reflect the understanding that there are limits to how much we can spend—as is true for the typical family creating a budget.

Although it might be easier to continue throwing money at failing programs, it is not the right thing to do. If a program is not effective, it cannot expect to cruise on the Federal dole indefinitely. We must demand accountability, and we must focus on programs that are making a difference. I applaud President Bush for taking the position that ''. . . a taxpayer dollar must be spent wisely, or not at all.'' That is the leadership we need in order to make these difficult reductions.

All Americans can work together to reduce Federal spending. Every taxpaying American should demand spending reform, demand that earmarks and pork barrel spending in the appropriations bills be eliminated, and call on Congress to eliminate the ineffective programs. Rather than having lobbyists and activists calling on Congress to increase spending for every program, Congress should force these groups to identify cost savings too.

For example, it you want more spending for one of the more successful housing programs, housing activists should be forced to identify a housing program that is a failure. That way Congress can reallocate resources to the better run programs. This goes for every federally funded program. It should no longer be acceptable in America for our elected officials not to ask that hard question before increasing spending from one year to the next. The future of America's financial house demands a changed way of thinking.

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

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

The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

(The remarks of Mr. LAUTENBERG and Mr. CORZINE pertaining to the introduction of S. 308 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, may I inquire how much time remains on our side?

The PRESIDING OFFICER. There is 21 minutes 9 seconds.

Mr. HARKIN. I thank the Chair.

BUDGET PRIORITIES

Mr. HARKIN. President John Kennedy used to say that to govern is to choose. Certainly that is what a proposed budget is all about. It is about choices and priorities and the values that underlie them.

A budget is not just numbers. There are a lot of figures in there, but ultimately a budget is about people and priorities and what kind of an America we want. It speaks about the values of our country.

On that score, President Bush's proposed budget for 2006, sent yesterday to the Congress, speaks in the starkest of terms. Gone is any pretense of compassionate conservatism. Gone is any pretense of concern for the most needy in our society. Instead, what we see in the budget released yesterday is an unvarnished message that the far right rules, that the gloves are off, and future budgets will reflect traditional hard right priorities.

Specifically, the President's position is that the tax cuts for the very rich must not be touched. In fact, they must be made permanent. Moreover, two additional tax cuts for the very wealthy—tax cuts passed in the 2001 tax bill which become effective next year—must also not be touched. Meanwhile, President Bush proposes to slash critical life-supporting programs for veterans, schoolchildren, the sick, the poor, the disabled, the most vulnerable in our American family.

This proposed budget is the antithesis of compassionate governance. Yes, President Bush still trots out the conservative rhetoric about tightening our belt and making difficult choices in next year's budget. But he has a double standard. On the one hand he says times are tough. We can't afford to properly fund education for Iowa's schoolkids, health care for our veterans, economic development for rural communities or programs to keep police officers on our streets. On the other hand, the President says, times are not too tough for yet another tax giveaway bonanza for the wealthiest Americans.

Specifically, the budget released yesterday calls for implementation next year of two new tax cuts worth billions of dollars, with more than half of the benefits going to those making more than $1 million a year. In short, President Bush's proposed 2006 budget is easy on the rich and privileged and tough on children and the poor.

Hard-working Americans are looking at these proposals and saying: Those aren't our priorities. Those are not our values. This is not our idea of fairness or shared sacrifice. Why should a Wall Street speculator making more than $1 million a year get yet another big tax cut while kids in rural Iowa are getting kicked off of Head Start?

I made an inquiry about the slashes in Head Start. I was told: It is only 25,000 kids. The cuts in the Head Start Program in the President's budget would only deny 25,000 kids nationally to Head Start.

Only? I thought we were not going to leave any child behind. Yet we are going to say to 25,000 of the neediest kids in America: Sorry, we don't have room for you in Head Start. Only 25,000?

These are wrong choices and misplaced priorities, and they reflect bad values, values that are offensive to the basic decency and caring and fairness of the American people.

Let's be clear about the game being played here—only it is not a game; it is a deadly serious ideologically driven plan—the objective of this plan is best expressed by Republican leader Grover Nordquist who said his goal is to ''cut government in half . . . to get it down to the size where we can [drag it into the bathroom and] drown it in the bathtub.'' That is their goal.

To that end, over the last 4 years President Bush has engineered a fiscal train wreck, a methodical, purposeful, deliberate train wreck. He has cut taxes by trillions of dollars, vastly increased spending on the Pentagon, spent hundreds of billions on the war in Iraq, rammed through an ill-conceived prescription drug plan costing half a trillion dollars, he has proposed borrowing more than $4 trillion for his scheme to privatize Social Security, a scheme that does nothing to address the long-term shortfall in Social Security, and now the President has the gall to point to this fiscal train wreck, his train wreck, and say the deficits are out of control, but since the tax cuts are untouchable, we have to cut programs for our most needy citizens: We need to cut education, cut health care, cut rural development, cut police officers, and firefighters.

In short, what the President is saying is, we have to tighten belts on members of our American family whose belts are already tightened to the last notch. But to those whose coffers are full, whose stomachs are full, he says: We will give you a bigger belt. In case you are down to the end notch, we will give you a bigger one.

Here are just a few of the most egregious cuts in the budget that was sent to us. First, there are deep cuts in education for the first time in 10 years, at a time when our schools are struggling to meet the requirements of No Child Left Behind, eliminating funding for education technology, school counselors, alcohol abuse reduction, dozens of other education initiatives.

Secondly, at a time when U.S. workers are fighting for jobs in the global economy, the President's budget cuts job training by $330 million and eliminates vocational education funding.

Next, the budget would slash $1.6 billion in funding for local police, while eliminating drug task forces and the successful High Intensity Drug Trafficking Areas Program which has been so helpful in fighting the meth epidemic in Iowa and other places.

Next, the budget calls for some 2 million veterans to pay a new $250 annual fee to receive health care, and it doubles the cost of their prescription drugs. Welcome home, Iraqi veterans, welcome home.

Rural America is singled out for deep cuts, cuts in programs to help family farmers and rural small businesses to survive, cuts in agricultural conservation programs, cuts in clean drinking water for our small towns and communities. The budget slashes funding for rural health programs by 80 percent. It cuts health profession training by 64 percent. It zeros out the block grants for preventive health care, the one thing we need to do to move from a sick care system to a health care system and have preventative health care block grants. It zeros them out.

Last, the budget calls for giving States more ''flexibility'' under Medicaid. But this is nothing more than a code word for cuts, cuts of billions of dollars in health care for the poorest, for the mentally ill, those with disabilities.

These are the wrong choices, the wrong priorities, and the wrong values. Why in the world are the President's tax cuts for the rich untouchable? We are no longer in a recession. The President says the economy is strong and creating jobs. During the Clinton years, we created 100 times more jobs per month, and we did it not by cutting taxes but by balancing budgets. That is what a budget is. It is to impose some self-discipline. But the budget President Bush sent up yesterday refuses to impose self-discipline except on the poorest and the neediest.

For 2006, the President is demanding a $2.6 trillion Government, but he is refusing to raise any revenue to pay for it. In order to preserve the tax cuts, the President is saying: We are going to have to borrow at least $390 billion, an amount equal to the entire Pentagon budget, and pass it on to our children and grandchildren.

This does not reflect the values of working Americans who sacrifice every day to balance their own budgets. I intend to challenge the President's priorities. I do not accept his idea that tax cuts for the very rich are untouchable while essential programs for our most vulnerable citizens are fair game for cuts or zeroing out. It is wrong to put virtually the entire burden of deficit reduction on the backs of our poorest citizens, yet this is what is being done with this budget.

I know many of my colleagues on both sides of the aisle share these concerns. The President's budget is deeply disappointing and disturbing. But the President's job is to propose a budget. We now know what President Bush's values are. We know how he wants America to look. That is what he is proposing. It is our job in Congress to write and pass a budget and to reflect the values and the choices that Americans want for their future. I appeal to my colleagues, let us join to write a budget that is fair, a budget that reflects the essential American values of fairness and shared sacrifice and compassion toward the most vulnerable in our American family.

In closing, I noticed last week an article in the newspaper that said ''Bush prays for poor.'' It said:

> President Bush followed his State of the Union address with a prayer Thursday morning, saying that praying reminds the faithful to hear ''the cry of the poor and the less fortunate.''

Well, I believe in the power of prayer. I always have. But maybe the President's prayer is a little misplaced. Maybe who we ought to be praying for is the rich. Maybe we ought to be praying that those who have a lot in our society, those who have the biggest homes and the nicest cars, who have the biggest and the fattest bank accounts, those who are able to pass on wealth to their children, maybe we ought to be praying for them in this way: That in their hearts they will understand and know that what we are doing here is wrong; what we are doing to our American family is not in the best interests of fairness and decency and compassion.

Let us pray for those who have the most in our society, that they will get to this President and say: Mr. President, we have enough. We don't need any more. We need to pay our fair share. We don't need these two new tax cuts that are coming down next year. Take those off the table. Let's have shared sacrifice for all in our society.

And maybe those who the President listens to the most, the rich and the powerful, maybe if they could get to him with a change of heart, then maybe we can change our priorities. Maybe rather than praying for the poor, we ought to be praying for the rich to have that change of heart, to talk to this President, to talk to the leaders in Congress about fairness and equity and justice for the least in our society.

That is what a budget is about. It is not numbers. It is about who gets and who doesn't. It is about what kind of a structure our country will have. It is about hope. It is about giving hope to those who have the least—that they, too, can have a brighter future; that they, too, are members of our family; that they, too, are valuable. And while these poor kids in Head Start don't have a rich parent to get them into a private school, to get them tutoring, who do they rely on for their kids to get that Head Start? They rely upon us—the Government—because they don't have a rich parent or a rich uncle. So, yes, this Government can give hope to people—not just the wealthiest but to those on the bottom. That is what this budget is about and that is why I intend to challenge the President on this budget, to make sure we have our priorities right.

TURNING UP THE HEAT

Mr. HARKIN. Mr. President, I noticed a plethora of articles recently about the Republican National Committee turning up the heat on Minority Leader HARRY REID. I notice here that there is some other stuff coming out from the Republican National Committee saying they are going to ''Daschleize'' REID, making HARRY REID, our minority leader, the obstructionist.

Again, this is not what working together means. Look, we Democrats are in the minority. I believe we are the loyal opposition. We need to provide a different view for the American people. This last election was very close. There is no mandate for one side or the other to run roughshod over the other. This is a mandate for us to try to get together and work things out. It is not a mandate for the Republican National Committee to trash, demonize, and drag down the good name of Senator HARRY REID of Nevada. But that is what is happening. It has no part here. I was hoping maybe we would be beyond that. I would think we are beyond that.

I have known our minority leader for the last 30 years. He is a good, decent, kind human being. He is tough, but we expect him to be tough in making sure our rights are protected, and making sure the debate flows in the Senate, so we are able to come together and work things out, with having the President of the United States say this is the way it is going to be and you have to follow suit. That is not the way our country works; it is not the way the Senate works.

I am hopeful the RNC will look into their own hearts and see that this is not the right way to do things. It is going to make it tougher to get things done around here. It is going to make it much tougher if the Republican National Committee continues to try to drag down Senator HARRY REID, demonize him, call him an obstructionist, and to ''Daschleize'' him—whatever that means. I guess it means to make Senator REID the object of scorn for the Republican National Committee. I hope the Republicans in this body will tell the RNC to back off. This is not the way we do things around here.

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

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

RETAINING CHAIRMANSHIP OF THE LABOR, HHS, AND EDUCATION SUBCOMMITTEE

Mr. SPECTER. Mr. President, in a few moments we are going to be moving to the class action bill. Senator DURBIN is due to arrive to offer an amendment. In the intervening time, I would like to take a few minutes to discuss my decision to retain the chairmanship of the Appropriations Subcommittee on Labor, Health and Human Services, and Education. The Appropriations Committee has been considering the formation of a new subcommittee on intelligence. Under my seniority position, I would have been in a position to take that subcommittee assignment. I have had a very keen interest in intelligence, chairing the Senate Intelligence Committee in the 104th Congress, being coauthor of the homeland security bill, and the fight against terrorism is obviously our No. 1 priority. So, I have been very strongly tempted to take on that chairmanship.

It now appears that the status of that subcommittee is in doubt because the decision has been made to not make a disclosure of the total funding for the intelligence community. With the announcement of the President's budget, which is austere, we are facing major problems with the deficit and the President has come in with a very restricted budget, which impacts very heavily on the subcommittee that I have chaired now for many years.

The Department of Labor, for example, has cut some $400 million; the Department of Health and Human Services has been cut by $1.8 billion; the Department of Education cut by some $500 million. So that the total impact on the subcommittee has been a reduction of $2.4 billion, which is very difficult when you are talking about education and health and capital investments. Those are not expenditures, they are capital investments—as are programs related to worker safety.

The President has proposed some programs that are excellent. There is $45 million for a new gang youth initiative, which has been sponsored and spoken about by First Lady Laura Bush. There is $125 million for health care information technology, which is an increase of $25 million. This is funding the subcommittee had started some time ago to enhance technology and information. We have had an increase in community health centers of about $304 million. There is a new program for high school risk initiatives, for high school students who are at risk.

At the same time, there have been major eliminations. For example, the so-called GEAR UP program, which provides for the transition from the seventh grade on through high school, has been cut by more than $306 million. The vocational and technical education programs have been cut by $1.3 billion. Educational Technology State Grants have been cut by $496 million, and correctional educational programs have been cut by $26.8 million. There have also been major decreases in training; some $333 million is cut from employment and training programs; $29 million is cut from the Job Corps; $35 million from a program for ex-offenders has been eliminated.

There has been a decrease in Healthy Start. The Centers for Disease Control has been cut by $555 million, which is a little hard to understand at a time when we are calling on the CDC to undertake so many new actions. The program for low-income home energy assistance—a very vital program, especially for seniors who have to make decisions on limited compensation as to whether they will heat or eat—has been cut by some $182 million. Graduate medical education has had a decrease of $101 million. Perhaps of greatest concern—and it is hard to prioritize these cuts—has been the budget proposed by the administration for the National Institutes of Health, which has an increase of one-half of 1 percent, which will not maintain the research program of NIH.

I am joined on the floor by my distinguished colleague from Iowa, Senator

HARKIN, who has been with me as chair of the subcommittee for more than a decade. Senator HARKIN and I have established what might be referred to as and others have called a model for bipartisan cooperation. We have had changes in the gavel on the chairmanship and they have been seamless. Our efforts on many important items, which I will not detail at this time have, I think, been very important for the health and education and labor of Americans.

We have increased NIH funding from $12 billion to $28 billion, which has provided for enormous improvements. There has been a march toward cures in Parkinson's, diabetes, heart disease, cancer, and many other illnesses. In the context of what is happening with these programs, I have decided to stay and fight rather than switch.

I am delighted to yield to Senator HARKIN.

Mr. HARKIN. I thank my leader and chairman for yielding to me. Again, I want to thank him for his decision to stay as chairman of the Appropriations subcommittee that funds basically all of our health, education, labor, biomedical research programs, preventive health care programs, such as the CDC, which are all underneath this subcommittee.

Senator SPECTER and I have worked together, as he mentioned, going on I think almost 15 years. The gavel has moved back and forth. It has been seamless, as he said. I could not ask for a better partner and a better chairman to work with on this subcommittee. There are countless numbers of people in this country today—I think mostly of the kids—who are maybe coming down with Parkinson's or diabetes, who have illnesses facing them that a few years ago were hopeless. But now they have hope. Now they can see certain lights at the end of the tunnel, that they will be cured, that they will be well.

This is due in no small part to the great leadership of Senator ARLEN SPECTER of Pennsylvania, who has doggedly through the years fought to make sure we put the money into medical research, into finding the causes, preventions, and cures of these illnesses. It was through his great leadership that we were able to double the funding for the NIH.

There are also countless kids in America today who are getting good school programs, who are in Head Start Programs, as I mentioned earlier, and others, because of the leadership of Senator ARLEN SPECTER of Pennsylvania. So I thank him for that leadership and for his friendship and, as always, for his willingness to work across party lines to get things done.

Someone once mentioned that there are really two powerful committees on Appropriations: One is the Defense Appropriations Committee and the other is what is now called the Labor, Health and Human Services, and Education, which the Senator chairs and on which I am the ranking member.

Someone once said that the Defense Appropriations Subcommittee is the committee that defends America. The Appropriations Subcommittee on Labor, Health and Human Services, and Education is the committee that defines America. I believe that really is true.

Thanks to the leadership of Senator ARLEN SPECTER of Pennsylvania, we have defined America well in terms of providing good education, health care programs, job training programs, dislocated worker programs—I am not going to go through the whole list—the Centers for Disease Control programs and the public health service they do across our country. Under the leadership of ARLEN SPECTER, we have defined well for America.

We have some tough choices, as he pointed out, in this budget, and we are going to have to work together to make it work. One thing I can say, having worked with Senator SPECTER all these years, one thing of which I am confident is that Senator SPECTER will be fair, compassionate, reasonable, and judicious in helping us work out this budget so that the poorest and the most needy in our society are not left behind.

I thank him for his leadership. I thank him for his willingness to stick with it and to stay as the chairman of this very vital subcommittee. I say to him here on the Senate floor and in public, I look forward to his leadership and his guidance and working with him to help continue to define America.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Iowa for those very complimentary comments. It has been very gratifying for me to work with Senator HARKIN for these many years as we have had the seamless exchange of the gavel.

I would not want my statement to suggest that there are not other areas of major concern as to the Administration's budget. The zeroing out of Amtrak is something which will have to be addressed by the Congress. There have been efforts made since Senator Baker, the then-majority leader, convened a meeting in his office with OMB Director David Stockman in 1981, and we maintained Amtrak's funding. Veterans will have to be reexamined, and many other items. I know we are going to move ahead on the class action bill.

Mr. President, I ask unanimous consent that a statement in further explanation of my decision be printed in the RECORD.

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

STATEMENT OF FURTHER EXPLANATION

Since January of 1989, I have had the privilege of serving as either the Chairman or the ranking member of the Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies Appropriations. Since that time, Senator Harkin and I have fought to dramatically increase funding for the NIH, replace deteriorating and outdated laboratory space at the Centers for Disease Control and Prevention, increase funds for elementary and secondary education and aid to disadvantaged college students, and provide for worker protection. These accomplishments have not come without challenges. The Subcommittee's allocation has limited our ability to increase programs as much as I would have liked, and dividing funding among many worthy programs has been a struggle. But I have enjoyed these challenges, the all night conferences with the House, and balancing the Congressional and Presidential priorities.

This year when the Senate passed a resolution to create an Appropriations Subcommittee on Intelligence it was at a time when the policy position of the Senate was to have an Intelligence budget that was unclassified. Subsequently, the decision was made to maintain the status quo and keep the budget classified. Since it would be difficult to create an Intelligence subcommittee with a classified budget, it may not be possible to do so at this time. However, discussions are still underway and if such a subcommittee were to be created, given my seniority on the Appropriations Committee, I would have the opportunity to chair that subcommittee. I have given serious consideration to taking that chairmanship. I believe that heading the Intelligence subcommittee at a time when this Nation's intelligence community is being restructured is very significant and is something in which I have great interest.

I am reluctant to give up the Subcommittee on Labor, Health, Human Services, and Education and the reasons for my reluctance are many.

NATIONAL INSTITUTES OF HEALTH

I have been on the Labor, HHS, Education Subcommittee since I first came to the Senate in 1981. At that time the funding for the NIH was something less than $3.6 billion. As I begin my 25th year, the current budget is $28.6 billion. Senator Tom Harkin and I have had a significant impact on this budget and as a result of our leadership and persistence we achieved our goal of doubling the medical research budget from FY'98 to FY'03.

But doubling the NIH budget is not enough. One of the most important reasons to continue my Labor-HHS Chairmanship is to continue to increase support for the NIH. Science has made great strides in extending life expectancy—in the early 1900s, 47 years was the average life span—today 77 years is the norm. Polio, smallpox, and other infectious diseases no longer kill or cause suffering to large numbers of people. Deaths due to heart disease have been cut by more than half since 1950. Cancer deaths in both men and women have decreased and some cancers like multiple myelomas have been reduced from a death sentence to a chronic condition as a result of new drugs developed through biomedical research. But there is still an enormous challenge. Heart disease continues to be the number one killer and cancer is now number two.

Last year, I lost two of my closest friends as a result of breast cancer—Carey Lackman Slease and Paula Kline. While the best medical teams worked on their cases—no cure

could be found. Several times a week, I receive calls from friends and constituents asking me to contact the NIH to see if there is any cutting edge treatment for diseases that affect them or their families. And while there are some successes there are many losses—like Carey and Paula.

We also receive many requests from constituents and advocacy groups asking me to hold hearings to focus attention on their particular ailments in the hopes of receiving increased medical research for their disease. There is a long list of maladies that people suffer from where there could be cures: autism, Parkinson's, scleroderma, muscular dystrophy, osteoporosis, cervical cancer, lymphoma, prostate cancer, colon cancer, brain cancer, pediatric renal disorders, glaucoma, sickle cell anemia, spinal cord injury, arthritis, a variety of mental health disorders, hepatitis, deafness, stroke, Alzheimer's, spinal muscular atrophy, amyotrophic lateral sclerosis—commonly known as Lou Gehrig's Disease—diabetes, breast cancer, ovarian cancer, multiple myeloma, pancreatic cancer, head and neck cancer, lung cancer, multiple sclerosis, macular degeneration, heart disease, infant sudden death syndrome, schizophrenia, polycystic kidney disease, Cooley's anemia, stroke, primary immune deficiency disorders.

The tragic aspect of these deadly diseases is that they could all be cured, I do believe, if we had sufficient funding. Continuing my Chairmanship will permit me to fight for increased dollars to find these cures.

STEM CELLS

In December of 1998, I held the first Congressional hearing on the issue of human embryonic stem cells. The Labor, HHS, Education Subcommittee provides funding for biomedical research at the NIH. At that time, no federal funds were going to this critical research. As Chairman, I have been able to focus attention on the promise of these stem cells to alleviate suffering and save lives. In 2004, NIH funded $24.2 million in the area of human embryonic stem cell research. I continue to lead the effort to provide additional funding for stem cell research without arbitrary restrictions. To continue to focus attention and provide resources for the incredible potential of stem cell research to save lives, it is critical for me to remain as Chairman of the Labor, HHS, Education Subcommittee.

WOMEN'S HEALTH

I have long held a strong interest in issues related to the health of women. As Chairman, I supported the creation of an Office of Women's Health at the NIH to ensure adequate research into diseases and maladies affecting women; supported the funding of the first Healthy Start Demonstration sites to improve the health of pregnant women and their babies, now funded at $104 million; supported increases in family planning programs, funded at $288 million this year, that empower women to make healthy reproductive decisions; and supported increases in rape prevention and domestic violence prevention. These programs remain important to me. To continue to nurture these programs, it is important for me to remain as Chairman of the Labor, HHS, Education Subcommittee.

CENTERS FOR DISEASE CONTROL AND PREVENTION

In 2000, I visited the Centers for Disease Control & Prevention headquarters in Atlanta, GA. I was surprised by the dilapidated state of the buildings where you had eminent scientists working in deplorable conditions. Expensive scientific equipment was housed in hallways and under leaky roofs. At that time, funding for facilities at CDC was only $17.8 million. The Labor, HHS, Education Subcommittee began to focus resources in 2001 to reconstruct the infrastructure of the CDC, whose critical public health mission is to protect the American people from outbreaks of disease. In 2001, we were able to provide $175 million and we have provided over $250 million in each of the last three years. This effort continues as several substandard facilities remain. To continue to provide the resources for critical infrastructure at the CDC, it is important for me to remain as Chairman of the Labor, HHS, Education Subcommittee.

WORKER PROTECTION

The Labor, HHS, Education Appropriations Subcommittee has jurisdiction over the principal federal agencies responsible for protecting the American workforce. These ''worker protection'' agencies include: The Occupational Safety and Health Administration, the Mine Safety and Health Administration, and the National Labor Relations Board. The jurisdiction also includes the Employment Standards Administration, which is charged with enforcing minimum wage and overtime laws, child labor protection, and administering workers' compensation benefits. In addition, the Employee Benefits Security Administration oversees private pension, health and welfare plans, and would administer proposed Association Health Plan legislation to assist small businesses in purchasing affordable health coverage. Under the leadership of Tom Harkin and myself, we provided $1.5 billion for these agencies this year. Continuing my partnership with Senator Harkin will ensure sufficient dollars will be available to protect this nation's workers.

ASBESTOS

As Chairman of the Senate Judiciary Committee, I have a longstanding commitment to crafting a legislative solution on asbestos compensation, and once enacted, to ensuring that it is expeditiously implemented. As chairman of the Labor-HHS-Ed Subcommittee which oversees funding for the Department of Labor, I will be in the unique position to ensure that an administrative system is established promptly, and that claims are processed fairly.

EDUCATION

In the area of education, I know from personal experience the opportunities that are created through a high-quality education. As a Senator, I have sought to make the American dream a possibility for each and every American, whether it means great public schools for America's children, affordable alternatives at our Nation's outstanding colleges and universities, high-quality career and technical education programs, or investments in Head Start and other early care and development programs.

In my role as Ranking Member or Chairman of the Labor-HHS-Education Appropriations Subcommittee, I have helped increase the budget of the U.S. Department of Education from $24.7 billion in FY95 to $56.6 billion in FY05, an increase of 129 percent. This was made possible by the strong, bi-partisan working relationship I have with Senator Tom Harkin, my partner on the subcommittee.

NO CHILD LEFT BEHIND

Since 1995, the Subcommittee has increased Federal support for K–12 education by more than 100 percent, and most of the increases have been provided in programs that provide significant flexibility to States and local schools so they can direct funds to the areas that will best support improved student achievement and to eliminate the achievement gap in this country. Today under the No Child Left Behind funding is $24.4 billion, up more than 40 percent or $7 billion, since the Act was passed by Congress in December 2001. As Chairman of the Labor, HHS, Education Appropriations Subcommittee, I am proud to have played a part in the many positive developments in the area of education, but more work needs to be done.

I believe that the future of the United States will be shaped by the minds, skills and abilities of today's students, and it is my hope and intent to help make sure that they are prepared to make that future even brighter than it is today.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

We have made substantial progress in meeting our obligations under the Individuals with Disabilities Education Act. When the law was enacted in 1975, the Federal Government promised to be a 40 percent partner in meeting the extra costs associated with improving educational opportunities for students with disabilities. For the first 20 years after the law was signed, the Federal contribution hovered around 8 to 9 percent. I am proud to report that over the past 10 years we have improved on that record by raising the Federal contribution from 8 percent to 19 percent almost halfway to the 40 percent goal. As Chairman, along with my partner Tom Harkin, we will continue to ensure that the Federal contribution continues to increase and that students with disabilities are assessed with suitable tests, provided the supports they need to achieve at the best of their ability, and supported in their transition to employment and further education.

PELL GRANTS

During the past decade, the Pell Grant program has helped millions of students with the cost of furthering their education. By raising the Pell Grant maximum award to $4,050 in FY'05, up $1,710 over the FY'95 award maximum, millions of low and middle income students have received more grant aid that assists them with the increasing price of a post-secondary education. Appropriated funds have more than doubled over the FY'95 level, and, as a result, more than 5.3 million students currently receive grant assistance to make post-secondary education more affordable. As Chairman, I will continue to make sure that every qualified student desiring to attend college can afford to do so and work in a profession of his or her choosing, without overbearing student loan payments.

CONCLUSION

Continuing my Chairmanship on the Labor, HHS, and Education Subcommittee will give me the opportunity to continue to target funds to programs and projects that are of great value to the State of Pennsylvania. These dollars have created jobs; increased the biomedical infrastructure of the State making it more competitive; provided health care facilities and supported seed monies for local programs related to abstinence, mental health, education and bioterrorism.

I have been contacted by 281 individuals or organizations requesting that I continue my Chairmanship. The reasons for their requests are many: labor groups are asking for my continued support on worker protection programs; biomedical research groups are asking me to once again champion increased

medical research dollars; women's groups are requesting my continued support for women's health and family planning programs; education groups urge me to continue to increase Federal support for elementary, secondary and higher education.

The Chairman of the Labor, HHS, and Education Subcommittee will face many challenges in this Congress. The most difficult will be finding funding for the Congressional and Presidential priorities within the current fiscal environment and achieving the proper balance so that all priorities can be met.

Continuing my Chairmanship would afford me the opportunity to protect the programs and priorities that I have long championed.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair states to all Senators present, I was giving some leeway as the morning business continued. I will now close morning business. Morning business is closed.

CLASS ACTION FAIRNESS ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 5, which the clerk will report.

The bill clerk read as follows:

A bill (S. 5) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as the Presiding Officer has noted, we are continuing consideration of class action reform. Yesterday, we had opening statements, which I led off as chairman of the Judiciary Committee, and the ranking member, Senator LEAHY, made his opening statement. Senator HATCH spoke. We will be going to an amendment this morning by Senator DURBIN on mass actions.

The class action bill has as its central focus to prevent judge shopping to various States and even counties where courts and judges have a prejudicial predisposition on cases. The issue of diversity of citizenship has been created in the Federal courts to eliminate favoritism. When diversity jurisdiction was established, it was undertaken in the context of the claimant from one State, illustratively, Virginia coming to Pennsylvania, and the concern there was there might be some favoritism for the local resident in Pennsylvania. So the jurisdictional amount, when I was in the practice of law, was $3,000. It is now $75,000 which would put the case in the Federal court where there would be more objectivity. That is what they are trying to do here, to eliminate judge shopping.

If the cases which stay in the State court have two-thirds of the class from that State, it would go into the Federal court. If one-third or less is not from the State—in the one-third to two-third range—it would be the discretion of the judge.

As I said yesterday, there is, as far as I am concerned, a very important purpose here: to put cases in the Federal court to avoid forum shopping and judge shopping.

With respect to the substantive law, it is my view that the substantive law ought not to be altered. I commented briefly on the Bingaman amendment yesterday where I think it is important that the Federal judges who have the cases would have the discretion to apply State law. But that will be taken up sometime when we debate the matter later.

I want to yield now to Senator MCCONNELL for leadership time or time as he may choose.

Mr. MCCONNELL. Mr. President, I thank the chairman of the Judiciary Committee.

I rise to speak about a case that I believe perfectly illustrates some of the problems with our current class action system. This case is, unfortunately, not at all unique. These outrageous decisions happen all too frequently. The bill currently under consideration will help fix some of these problems.

I have a chart. It is kind of hard to see. Basically, it is a letter that a member of my staff recently got. It included a check. The check is made payable to a member of my staff who received it in the mail. On the check's ''Pay to the Order of'' line, I have covered up the name of the staffer so she may remain anonymous.

I also obscured the name of the defendant in this case. Plaintiffs' lawyers have already soaked them once, and I do not want to give them the opportunity to do it again. I would hate to see others able to sue the company because they heard the company settled at least one class action lawsuit.

Along with this settlement check, my staffer received a letter which says in part:

You have been identified as a member of the class of . . . customers who are eligible for a refund under the terms of a settlement agreement reached in a class-action lawsuit . . . The enclosed check includes any refunds for which you were eligible.

Imagine her excitement. As you know, Senate staffers are certainly not the highest paid people in town. So this woman on my staff told me she was, indeed, thrilled to anticipate what she might be receiving. And then she looked at the enclosed check to see just how big her windfall was. It was a whopping 32 cents. That is right, she received a check made out to her in the amount of 32 cents. I guess it goes without saying that she was a little bit disappointed to find out her newfound riches had disappeared already.

Do not misunderstand me. I am not suggesting my staffer deserved a bigger settlement check. In fact, she told me she had no complaint against the defendant, and she never asked to be a part of the lawsuit. Apparently, she just happened to be a customer of the company that was sued, and it was determined that she theoretically could bring a claim against the defendant. So she became a member of ''a class'' who was due a settlement.

If this does not precisely illustrate the absurdity of the current class action epidemic in this country, I do not know what does. To demonstrate just how far out of whack the system is, let's start with the letter notifying my staffer that she was a member of a class action lawsuit and had been awarded a settlement.

This letter and check arrived via the U.S. mail. The last time I checked, it cost 37 cents to send an envelope through the U.S. mail. The settlement check is only for 32 cents. You can probably see where I am headed with this. It cost the defendant in a class action suit 37 cents to send a settlement check worth 32 cents. I don't have the expertise in economics like my good friend and our former colleague Senator GRAMM of Texas, but I can tell you, forcing a defendant to spend 37 cents to send somebody a 32-cent check does not make much economic sense, and it certainly defies common sense.

Let me point out the most disturbing element about this lawsuit. My staffer researched this case, and it may be of interest to all of our colleagues to note that the unwitting plaintiff received 32 cents in compensation from this class action lawsuit, and her lawyers pocketed in excess of $7 million—$7 million. All in all, not a bad settlement if you happen to be a plaintiff's lawyer rather than a plaintiff.

And in case you think my staffer received an unusually low settlement in this litigation, let me quote from the letter accompanying the settlement check:

At the time of the settlement, we estimated that the average [refund] would be less than $1—

The average refund would be less than a dollar—

for each eligible [plaintiff]. That estimate proved correct.

So you see, while the settlement was being arranged, it was clear each plaintiff on average would receive less than $1. It was clear that each plaintiff would receive less than $1. Yet the plaintiffs' lawyers still rake in more than $7 million.

My colleagues may also be interested to know how much the defendant was forced to spend defending the lawsuit. Knowing the extent of the defense costs is instructive in demonstrating how unjust these abusive suits can be. So we asked the defendant how much it spent defending this suit that provided

each plaintiff with pennies and the lawyers with millions. Perhaps not surprisingly, the defendant was not willing to discuss the matter. You see, the defendant told us that if it were readily known just how much they spent defending the suit, then that information would almost certainly be used against them in the future. The defendant feared that if their defense costs were known, then another opportunistic plaintiff's lawyer would file another one of these predatory suits, and then that lawyer would offer to settle for just slightly less than the millions he knew it would cost the defendant to defend the suit.

This case illustrates how plaintiffs' lawyers exploit and abuse defendants under the current system. Can there be any doubt that the current class action system is in need of repair? When the lawyers get more than $7 million and the plaintiff gets a check for 32 cents, something is terribly wrong. When defendants fear to disclose how much they spend fighting these ridiculous suits because to do so would invite even more litigation, something is terribly wrong. Justice is supposed to be distributed fairly. This is clearly not a fair way to distribute justice.

By passing this legislation, we are not going to end every 32-cent award to plaintiffs and multimillion dollar award to lawyers, but we certainly can curb a great deal of this nonsense.

I know some of my friends on the other side of the aisle will complain this bill will sound the death knell for class actions in State court. Nothing could be further from the truth. This is an important piece of legislation, but it is also a moderate and reasonable piece of legislation.

Frankly, I liked the original version, but we are where we are today, and I will talk more about that in a moment. The bill on the floor is the product of not one, not two, but three carefully crafted compromises. Not one, not two, but three carefully crafted compromises. These carefully crafted compromises have us to a point where we can enact meaningful reform that respects the ability of States to adjudicate local controversies as class actions while allowing Federal courts to decide truly national class actions.

The House, frankly, would prefer a stronger bill, and so would I. I like the original bill that stalled out at 59 votes last year. But the House also understands that the legislation on the floor is a good bill.

Therefore, the House is prepared to take this up and pass it without amendment, assuming that our carefully crafted compromise is itself not compromised on the Senate floor.

I had an opportunity to talk to Majority Leader TOM DELAY this morning and he reiterated the statement that he and Chairman JIM SENSENBRENNER made last Friday and it is this: If this bill is passed without amendment in the Senate, the House will take it up immediately, pass it, and send it to the President for signature. If it is altered in any way, the House will then follow the regular order and maybe sometime during this Congress we will get a class action bill.

Frankly, in my judgment, those who are skeptical of this bill would be better off with this compromise version than having the House go through the regular order, in which case they would probably pass a bill much different from this compromise. We would ultimately have a conference and in all likelihood, out of that conference might come a bill more like the one we had last year, which stalled out at 59 votes.

So I would say that for those who are not terribly enthusiastic about this compromise, it could get a lot worse from their point of view. This compromise is one that people who have worked on this bill for years are willing to take, and so our challenge is to keep it clean, to defeat the amendments that would slow down the process and prevent this important piece of tort reform legislation from getting to the President for an early signature. So that is where we are.

We have a marvelous opportunity to demonstrate at the beginning of this Congress that we are indeed going to be able to accomplish some important things on a bipartisan basis. This compromise bill appears to have at least 62 Senators who are for it. Let us hold it together. Let us keep it as it is and demonstrate to the American public that we can work together on a bipartisan basis and pass important legislation for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the next Senator to seek recognition is Senator DODD. I am informed Senator LOTT will be coming to the floor shortly to speak, and that soon thereafter Senator DURBIN will offer his amendment. It is now 11:18. That should take the time for floor action until the hour of 12:30 when we are scheduled under a previous order to recess for the party caucuses. So I now yield to Senator DODD.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I begin by thanking our colleague from Pennsylvania for his leadership on this issue as the new chairman of the Senate Judiciary Committee, and also to commend our colleague from Vermont, Senator LEAHY, the ranking Democrat on the committee. Despite their differences on this legislation, we are debating this bill because the managers have gone through the committee process and have produced a product for the consideration of the full Senate. I am pleased this bill is finally before us once again. It has been a year and a half since we last considered this legislation.

I also commend the two leaders, Senators FRIST and Daschle, for working as early as the fall of 2003 to try and craft a compromise. Senator REID of Nevada has picked up on this and I want to particularly commend Senator REID. He has some strong reservations about this bill, as many of our colleagues do, but he has arranged, as the Democratic leader can, for this matter to come forward. Certainly all of my colleagues are fully aware that a determined minority can pretty much stop anything from happening, but the Senator from Nevada, despite his reservations about this legislation, has worked through the process with the distinguished majority leader.

The chairman of the committee, the ranking member, and those who are interested in this bill are trying to move this matter forward. So I would not want to begin my comments without commending the leaders, but particularly the Democratic leader, my leader, for putting in the time and effort to see to it that this matter dealing with class action be a part of the Senate debate.

The legislation has had a rather long and torturous history, going back a number of years. I am not going to recite at length that history. I will only note that several of our colleagues deserve to be acknowledged for their long and steady persistence in bringing the Senate to this point. Those Senators include Senator GRASSLEY of Iowa, Senator KOHL of Wisconsin, Senator HATCH of Utah, and Senator FEINSTEIN of California. They have worked on the Judiciary Committee, in a very strong bipartisan fashion, to try and bring this matter up.

I also want to highlight and mention Senator CARPER of Delaware who has been tireless in his support for this effort. Senator MCCONNELL as well has worked on this issue. Senator LANDRIEU, and Senator SCHUMER, I should mention as well, as a member of the Judiciary Committee, have also been a part of an effort to try and come up with a bill that could enjoy broad-based support.

I mentioned Senators SPECTER and LEAHY at the outset of my remarks as the chairman and ranking member who also worked well together to bring us to this point. I want to point out to my colleagues, of course, as someone who was very much involved in the negotiations back in the fall of 2003, that when the cloture motion failed, as pointed out by the Senator from Kentucky, within a few moments of that vote this Senator rose and offered to the majority at that point a willingness to sit down that day in fact to try and work out differences that would allow for this bill to go forward.

The distinguished majority leader accepted that offer and we immediately

began a process to put this bill together. In fact, several of us sent a letter at that time to Senator FRIST. The letter was sent by myself, Senator LANDRIEU, Senator SCHUMER, and Senator BINGAMAN, outlining four areas that we thought if we could be accommodated in these areas the bill could go forward in a bipartisan fashion.

I ask unanimous consent that the letter dated November 14, 2003, from three of my colleagues and me to Senator FRIST be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, November 14, 2003.

Hon. BILL FRIST,
Senate Majority Leader,
U.S. Capitol, Washington, DC.

DEAR MAJORITY LEADER FRIST: We agree with the fundamental principle of the pending class action legislation that would permit removal of national class actions to federal court. Under current law, there have been a number of instances of unjustified forum-shopping and other abuses of the legal process. We are committed to helping to reform the law to ensure fair adjudication for all Americans. To that end, we are writing to outline the policies that need to be addressed in order to move the Senate toward a bill that can pass before Congress adjourns for the year.

While we support the general thrust of S. 1751, there are some instances where the legislation goes beyond the scope of what we believe must be addressed. It is our view that we are very close to having a bill that we can support and if we can satisfactorily address each of the following issues, we can move forward quickly with you to pass a reform bill.

Based upon our understanding of the issues that have been discussed by you and the Democratic Leader, we believe that most of our concerns are readily solvable [while a narrow subset may require some further negotiation to resolve.]

We believe more consideration must be given to the formula for federal removal. We agree that many types of cases are best considered in federal court. At the same time, we would not want the Senate to fashion rules that permit the removal of cases that are truly single-state cases which are appropriately considered in state court. Additionally, we should permit federal court judges to consider a set of factors that includes both state and federal concerns when determining whether a case in the ''middlethird'' of the current formula should be removed.

Mass tort actions that are not brought as class actions should be removed from the bill. The bill passed by the Judiciary Committee did not contain this language. We understand that the peculiarities of state law in two states may need to be addressed. However, the current mass tort standard is much broader than necessary to address issues raised by two of the fifty states. We want to write a rule that is as precise as possible—in this case, by encompassing actions that are truly class actions, while at the same time excluding any cases that are not.

There are several places in the bill that pre-empt current law or allow for significant deviation from standard practice. This has the effect of encouraging manipulation or abuse by either side, and should not be allowed in reform legislation. The current version of the removal provision permits removal at any time, even during trial. This includes a potential ''merry-go-round effect'' of repeated removal and remand between state and federal courts. Additionally, the underlying bill does not specify when the court would measure the plaintiff class and it creates a new appellate review of remand orders.

In many cases, plaintiffs, who take the risk of coming forward, should be able to be compensated for that risk. The bill currently requires their recovery to be precisely the same as all other members of the class. Different risks and different damages in civil rights and other claims, should receive different compensation, upon approval of the trial judge.

Lastly, the underlying bill simply restates current law in requiring judges to review coupon settlements. Given the clear problems that have been raised with abusive coupon settlements, we believe it is imperative to include stronger provisions that the attorneys' fees to the actual coupons redeemed.

While time is short in this session, there is no reason why the Senate cannot consider this legislation in a bi-partisan spirit. If we indeed reach agreement, it is critical that the agreement be honored as the bill moves forward—both in and beyond the Senate. We are prepared to work with you toward that end and we look forward to hearing from you soon as possible as to how we can best move this legislation forward.

Sincerely,

MARY L. LANDRIEU.
CHARLES SCHUMER.
CHRISTOPHER J. DODD.
JEFF BINGAMAN.

Mr. DODD. As a result of that letter, we went through several days of negotiations on this bill. The four areas that we sought changes in the bill are the following: Removal of formula including the definition of mass torts; the so-called merry-go-round problem in the bill; coupon settlements; and fair compensation for named plaintiffs. Those are the four areas we identified in the November 14 letter. As a result of our negotiations, we came back with 12 improvements in this bill, agreed to by myself, Senators FRIST, GRASSLEY, HATCH, KOHL, LANDRIEU, and SCHUMER.

I ask unanimous consent that the list of the 12 changes that was a result of that negotiation be printed in the RECORD.

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

SUMMARY OF CHANGES TO S. 1751 AS AGREED TO BY SENATORS FRIST, GRASSLEY, HATCH, KOHL, CARPER, DODD, LANDRIEU, AND SCHUMER

THE COMPROMISE IMPROVES COUPON SETTLEMENT PROCEDURES

S. 1751 would have continued to allow coupon settlements even though only a small percentage of coupons are actually redeemed by class members in many cases.

The compromise proposal requires that attorneys fees be based either on (a) the proportionate value of coupons actually redeemed by class members or (b) the hours actually billed in prosecuting the class action. The compromise proposal also adds a provision permitting federal courts to require that settlement agreements provide for charitable distribution of unclaimed coupon values.

THE COMPROMISE ELIMINATES THE SO-CALLED BOUNTY PROHIBITION IN S. 1751

S. 1751 would have prevented civil rights and consumer plaintiffs from being compensated for the particular hardships they endure as a result of initiating and pursuing litigation.

The compromise deletes the so-called ''bounty provision'' in S. 1751, thereby allowing plaintiffs to receive special relief for enduring special hardships as class members.

THE COMPROMISE ELIMINATES THE POTENTIAL FOR NOTIFICATION BURDEN AND CONFUSION

S. 1751 would have created a complicated set of unnecessarily burdensome notice requirements for notice to potential class members. The compromise eliminates this unnecessary burden and preserves current federal law related to class notification.

THE COMPROMISE PROVIDES FOR GREATER JUDICIAL DISCRETION

S. 1751 included several factors to be considered by district courts in deciding whether to exercise jurisdiction over class action in which between one-third and two-thirds of the proposed class members and all primary defendants are citizens of the same state.

The compromise provides for broader discretion by authorizing federal courts to consider any ''distinct'' nexus between (a) the forum where the action was brought and (b) the class members, the alleged harm, or the defendants. The proposal also limits a court's authority to base federal jurisdiction on the existence of similar class actions filed in other states by disallowing consideration of other cases that are more than three years old.

THE COMPROMISE EXPANDS THE LOCAL CLASS ACTION EXCEPTION

S. 1751 established an exception to prevent removal of a class action to federal court when 2/3 of the plaintiffs are from the state where the action was brought and the ''primary defendants'' are also from that state (the Feinstein formula). The compromise retains the Feinstein formula and creates a second exception that allows cases to remain in state court if: (1) more than 2/3 of class members are citizens of the forum state; (2) there is at least one in-state defendant from whom significant relief is sought and who contributed significantly to the alleged harm; (3) the principal injuries happened within the state where the action was filed; and (4) no other class action asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons has been filed during the preceding three years.

THE COMPROMISE CREATES A BRIGHT LINE FOR DETERMINING CLASS COMPOSITION

S. 1751 was silent on when class composition could be measured and arguably would have allowed class composition to be challenged at any time during the life of the case. The compromise clarifies that citizenship of proposed class members is to be determined on the date plaintiffs filed the original complaint, or if there is no federal jurisdiction over the first complaint, when plaintiffs serve an amended complaint or other paper indicating the existence of federal jurisdiction.

THE COMPROMISE ELIMINATES THE ''MERRY-GO-ROUND'' PROBLEM

S. 1751 would have required federal courts to dismiss class actions if the court determined that the case did not meet Rule 23 requirements. The compromise eliminates the dismissal requirement, giving federal courts discretion to handle Rule 23-ineligible cases

appropriately. Potentially meritorious suits will thus not be automatically dismissed simply because they fail to comply with the class certification requirements of Rule 23.

THE COMPROMISE IMPROVES TREATMENT OF MASS ACTIONS

S. 1751 would have treated all mass actions involving over 100 claimants as if they were class actions. The compromise makes several changes to treat mass actions more like individual cases than like class actions when appropriate.

The compromise changes the jurisdictional amount requirement. Federal jurisdiction shall only exist over those persons whose claims satisfy the normal diversity jurisdictional amount requirement for individual actions under current law (presently $75,000).

The compromise expands the ''single sudden accident'' exception so that federal jurisdiction shall not exist over mass actions in which all claims arise from any ''event or occurrence'' that happened in the state where the action was filed and that allegedly resulted in injuries in that state or in a contiguous state. The proposal also added a provision clarifying that there is no federal jurisdiction under the mass action provision for claims that have been consolidated solely for pretrial purposes.

THE COMPROMISE ELIMINATES THE POTENTIAL FOR ABUSIVE PLAINTIFF CLASS REMOVALS

S. 1751 would have changed current law by allowing any plaintiff class member to remove a case to federal court even if all other class members wanted the case to remain in state court. The compromise retains current law—allowing individual plaintiffs to opt out of class actions, but not allowing them to force entire classes into federal court.

THE COMPROMISE ELIMINATES THE POTENTIAL FOR ABUSIVE APPEALS OF REMAND ORDERS

S. 1751 would have allowed defendants to seek unlimited appellate review of federal court orders remanding cases to state courts. If a defendant requested an appeal, the federal courts would have been required to hear the appeal and the appeals could have taken months or even years to complete.

The compromise makes two improvements: (1) grants the federal courts discretion to refuse to hear an appeal if the appeal is not in the interest of justice; (2) Establishes tight deadlines for completion of any appeals so that no case can be delayed more than 77 days, unless all parties agree to a longer period.

THE COMPROMISE PRESERVES THE RULEMAKING AUTHORITY OF SUPREME COURT AND JUDICIAL CONFERENCE

The compromise clarifies that nothing in the bill restricts the authority of the Judicial Conference and Supreme Court to implement new rules relating to class actions.

THE COMPROMISE IS NOT RETROACTIVE

Unlike the House bill, the compromise will not retroactively change the rules governing jurisdiction over class actions.

Mr. DODD. I will not go through and name each one of them. Some of them are rather arcane but nevertheless important provisions of this bill, the point being that we were prepared basically in the fall of 2003 to go forward.

We were notified at that point that the first item of business in January of 2004, more than a year ago, would be the class action reform bill. Well, here we are in February of 2005 finally getting to this matter. There was a prepared bipartisan bill over a year ago on class action and we are now dealing with exactly the same bill. As the Senator from Kentucky pointed out, he would have preferred the House bill, the bill that was not approved when the cloture motion was held, and reluctantly is supporting this bill.

There are those of us who could not have supported the House bill or the version that came up in the Senate earlier, but we have worked very hard to put this compromise together over a year ago. So we could have dealt with this a long time ago, but nonetheless we are here today and that is the good news.

I am heartened that the other body has agreed to accept this version if it goes unamended over the next day or so during the debate and consideration of this legislation. I am hopeful that will be the case.

Very briefly, I will go through what we have achieved. As I mentioned, following the vote Senator FRIST asked myself and others, including my good friend from Delaware who is on the floor today, to enter into discussions with him and other Members to explore whether there might be some ways of building greater support for this bill. Senators SCHUMER and LANDRIEU joined in writing a letter to the majority leader, which I have put into the RECORD already, in which we laid out the four areas of our concerns. We subsequently entered into those negotiations among our four offices. Senators GRASSLEY, KOHL, HATCH, and CARPER played very important roles in that consideration. Those negotiations were very productive. We reached significant agreement not on the four original areas of concern but on eight others as well. That point deserves special emphasis. We went into the negotiations seeking improvement on four issues. We emerged with significant changes on 12 issues.

The result is a bill that is now before this body. In my view, it is very fair and balanced, rather modest legislation that addresses a number of well documented shortcomings in our Nation's class action system. It shows what we can accomplish in the Senate when we work together in a bipartisan fashion. As with all good compromises, this bill is entirely satisfactory to no one and in some respects unsatisfactory to everyone.

There are those who will say this bill does not go nearly far enough in rectifying the shortcomings of the class action system in our country. On the other hand, there are those who believe that the sky is falling, that the bill severely impairs the ability of people to gain access to our courts. In my judgment, claims of both sides are vastly overstated. One of the reasons why I believe this is so is that the people on both sides of the legislation, proponents and opponents alike, agree our compromise has made this bill better. It targets more precisely those problems in need of reform and addresses them in an appropriate and effective manner.

We will no doubt discuss those problems in more detail in the coming hours, but allow me to briefly mention two of them. Perhaps the central problem addressed by the compromise is the forum shopping issue. Article III of the Federal Constitution sets forth the circumstances under which cases may be heard in Federal court. Article 2 of Article III extends Federal jurisdiction to suits ''between citizens of different States.'' These are known as diversity cases. The Framers had two separate but related reasons for allowing Federal courts to hear cases between citizens of different States.

Very simply, one was to prevent the possibility that the courts of one State would discriminate against the citizens of another State. The second reason was to prevent the possibility that the courts of one State would discriminate against interstate business and thereby impede interstate commerce. Over the years, however, class action rules have been interpreted in such a way that plaintiffs' lawyers have been able to keep class actions out of Federal court, even those that are precisely the kind of cases for which diversity jurisdiction was created, because of their interstate character. They do this by adding named plaintiffs or defendants solely based on their State of citizenship in order to defeat the diversity requirement.

Alternatively, they allege an amount in controversy that does not trigger the $75,000 threshold for removing cases to Federal court. The result is frequently an absurd one. A slip-and-fall case in which a plaintiff alleges, say, $76,000 in damages can end up in Federal court. At the same time, a case involving millions of plaintiffs from multiple States and billions of dollars in alleged damages is heard in State court, just because no plaintiff claims more than $75,000 in damages or because at least one defendant is from the same State of at least one plaintiff.

Section four of the bill modifies these diversity rules to allow Federal courts to hear diversity cases that have a strong interstate character. In particular, it allows Federal jurisdiction if the amount in controversy alleged by all plaintiffs exceeds $5 million and if any member of the plaintiff class is a citizen of a different State than any defendant. At the same time, the bill creates careful exceptions that allow cases to remain in State courts where those cases are primarily intrastate actions that lack national implications.

The legislation attempts to bring diversity rules more in line with the original purpose of Federal diversity jurisdiction. Cases that are interstate

in nature because they involve citizens of multiple States and interstate commerce may be heard in Federal courts. Cases that are not interstate in nature remain in State courts.

A second problem the compromise addresses is the so-called coupon settlements. As our colleagues may know, a growing number of class action cases involves these type of settlements. In a typical coupon settlement, class members receive only a promotional coupon to reduce the cost of a defendant's products while the lawyers for the class action receive a rather large fee that is disproportionate to any client benefit.

For instance, in one case a soft drink company was sued for improperly adding sweeteners in apple juice. The company agreed to settle the case. The settlement required it to distribute to customers a 50-percent coupon off the purchase of apple juice. Meanwhile, class counsel received $1.5 million in cash.

I have no problem with attorneys earning a fee for their services. In fact, the compromise bill places no caps at all on attorney fees, although there were those who wanted to do that.

But what is particularly disturbing about these coupon settlements is class members typically redeem only a small portion of the coupons awarded. In fact, over the years only 10 or 20 percent of coupons were actually redeemed. Yet the attorneys are paid regardless of how many coupons are cashed in.

In effect, there is a negative incentive for counsel for both plaintiffs and defendants to enter into such settlements. Counsel for the plaintiff is paid their fee regardless of the percentage of coupons redeemed. At the same time, counsel for the defendants know they are likely to pay in redeemed coupons only a fraction of what they would pay if they paid cash to settle a case. Meanwhile, the actual class members—the ones who have actually been aggrieved—receive a benefit of little or no value at all.

Our compromise takes several steps to remove this negative incentive to enter into coupon settlements. Most importantly, it states that an attorney's fee incurred to obtain a coupon settlement can only be paid in proportion to the percentage of coupons actually redeemed. For example, if an attorney's fee for obtaining a coupon settlement is $5 million but only one-fifth of the coupons are actually redeemed, the attorney can only recover one-fifth of his or her fee—roughly $1 million.

In addition, the bill requires that a judge may not approve a coupon settlement until he or she conducts a hearing to determine whether settlement terms are fair, reasonable, and adequate for class members.

There are other provisions of the bill that are also important.

In the interest of time—I see my colleague from Mississippi also wants to speak before our colleague from Illinois offers the first amendment—I will defer discussing them in detail at this hour. However, to reinforce my central argument that this is a reasonable, modest piece of legislation, it is worth mentioning what the bill does not do.

First, it does not apply retroactively, despite those who wanted it to. A case filed before the date of enactment will be unaffected by any provision of this legislation.

Second, this legislation does not distinguish in any way or alter a pending case.

Third, it does not in any way alter substantive law or otherwise affect any individual's right to seek equitable and monetary relief.

Fourth, in does not in any way limit damages, including punitive damages.

Fifth, it does not cap attorney fees.

These are all matters that some people wanted to include in the bill.

And, it also does not impose more rigorous pleading requirements of evidentiary burdens of proof.

As some of our colleagues have said, this legislation is actually more court reform than tort reform. Candidly, I think they are more right than wrong about that. This is more court reform than tort reform. It stands in very sharp contrast to some of the other legislation considered by the Senate in the last Congress. That includes the Energy bill, which extinguished pending and future suits against makers of MTBE, a highly toxic substance that pollutes ground water.

It also includes legislation that shielded gunmakers and gun dealers from many types of lawsuits.

Incredibly, we were about to adopt legislation that would completely exclude an entire industry even when there was complete negligence on their behalf of being sued. I suggested when we were about to adopt those bills that Members think about talking about tort reform. Those matters cause this Senator deep concern, despite the fact I represent the largest gun producers in the United States. I cannot imagine my insurance companies getting a deal as the gun manufacturers were about to get. Nonetheless, those bills died, as they should have, in my opinion.

The legislation before the Senate today does not close the courthouse door to a single citizen in this country. Maybe that citizen will end up in Federal court rather than State court, but no citizen will lose the sacred right in America to seek redress or grievance in a court of law.

When this compromise was written 15 months ago, it was said that it was critical that this bill be honored as the bill moves forward—both within and beyond the Senate. I continue to believe that to be the case.

In the words of the Senator from Kentucky earlier today, as well as statements made by Speaker HASTERT, this Member is assured that, in fact, the agreements will be kept. In fact, I had a conversation with the staff of Mr. SENSENBRENNER, chairman of the House Judiciary Committee, who reinforced the notion that if we adopt this bill as it presently reads, then there will no changes in the House and they will accept the Senate language. That is good news for those of us who have worked on this compromise.

Certainly, this is not a perfect bill. No bill is. We all know that, but I think it strikes a careful balance between remedying the shortcomings and retaining the strengths of current class action practice in this country.

Obviously, the bill is not yet through the Senate. But the consent agreement entered into by the two leaders is an auspicious beginning to preserving the balance.

Let me, once again, reiterate my thanks to Senator REID of Nevada, the distinguished Democratic leader, and for Senator FRIST entering into that agreement which allows us to have this debate, and for all relevant and germane amendments to be considered to this legislation. Certainly, that is the way it ought to be done.

Moreover, I note that the leadership of the other body has indicated its willingness to respect the balance that this bill strikes, as well. That, too, is a positive development.

I stand in strong support of this legislation. I think it is a good compromise. It is not a perfect one. I know my colleagues may offer some amendments that I might have been attracted to under different circumstances which I may support, but when you try to reach agreement here, it is not easy. And when you do, I think it is worthy of support, particularly when those agreements cover as much territory as we did during the compromise efforts 15 months ago.

As I mentioned at the outset, there were four proposals with which we ended the negotiations. Those four proposals were adopted, and eight others were added during that negotiation.

I commend again the leader. I commend Senators SPECTER and LEAHY for their efforts, and I look forward to this bill passing the Senate and being adopted by the House and going to the President for his signature.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I rise today in strong support of the Class Action Fairness Act of 2005.

Before he leaves the floor, I thank the Senator from Connecticut, Mr. DODD, for his comments and for his leadership in this area. He has been steadfast. He has been involved in the process of moving this bill forward. A process which involves some give and take and some compromise.

Surprise, surprise. That is the legislative process. This is not a perfect bill, as he noted. It is not one that I particularly like. I would like to make it a lot stronger, but it is a major step forward.

I thank Senator DODD, and other Senators. Senator CARPER has been involved in that process, and colleagues on this side of the aisle.

I am pleased that the first substantive bill of the year is one that truly has a chance to make a huge difference in this country, and it is a bipartisan effort. It is one that I predict, when we go through the amendment process and get to the end, will have a large vote in support. I will not be surprised if it gets 70 votes. I hope for that. That would be a positive step.

If we can hold the line on amendments that may be offered—some that I would be attracted to, some that Senators such as Senator DODD would be attracted to—but we worked out an agreement. We should brush back those amendments, discourage a whole raft of amendments being contemplated, and complete our work. The House has indicated they will accept this product—the compromise we came up with. When was the last time you heard of that even being possible?

But they have reaffirmed just in the last few days that, yes, if we can complete it the way it is presently structured, they will take it up, pass our bill, and send it to the President. That would be a good way to start this year.

I thank colleagues on both sides of the aisle for the work that has been done.

Senator HATCH is here managing the legislation. He has worked on this long and hard, including last year when we had an opportunity that slipped away from us for a variety of reasons. It was tough last year to get much of anything done with all of us preoccupied with the Presidential campaign and our Senate campaigns and the House races. There is no use going back and rehashing why we didn't get it completed. We didn't get the job done. But we can do it now.

I thank Senator HATCH for the work he has done on this bill over the years, and Senator SPECTER for getting it out of the Judiciary Committee in good order. I thank Senator GRASSLEY for his usual dogged determination to not give up on an issue, and he continues to press not only this but the bankruptcy reform issues.

I am thankful for the way we are starting off this year. I thank the leadership for working out an agreement to bring this bill to the floor. We could very well have had a filibuster. But Senator FRIST, working with Senator REID, has indicated we are not going to get into that morass. We are going to step up to this issue, we are going to address it and debate it, and we are going to get results. I think that is good.

I believe the American people want us to complete action on this legislation and pass the bipartisan compromise this week, if at all possible.

There is no reason for this to be dragged out over a long period of time. We know there are a few amendments that are going to be offered. We will debate them. Let us vote and get to the conclusion of this process in the Senate, and send it to the House so they can take it up.

Why do we need this bill?

Some people would say we have the greatest judicial and jurisprudence system in the world. Things are working fine. Let us just leave it alone.

I don't believe things are exactly working just fine. Every system over a period of time needs some adjustment, and if abuses begin to occur, we must step up and stop them.

Over the past decade, we have seen a dramatic rise in the number of interstate class actions being filed in State courts, particularly in what are called magnet jurisdictions. I regret to say, and acknowledge, my State is one of the worst abusers. To the credit of our State legislature and our Governor, Haley Barbour, last year in Mississippi we passed tort reform legislation. We have gone from being the center of jackpot justice to being a State that has been praised by legal journals and the Wall Street Journal as having stepped up to the issue and dealt with it in a responsible way. They now describe my State in this way: Mississippi, open for business.

Prior to tort reform though, businesses, industry, manufacturers, drugstores, etc. would not come to Mississippi to do business. They were not coming to my State, one of the poorest States in the Nation, because of the abuses that have been occurring in the legal system.

But now, we have done our part in Mississippi. We still need to do more, but this is a Federal interstate problem and we in Congress are going to have to help address it.

Courts where the class action mechanism is routinely and egregiously abused have been proliferating. In many instances we know the plaintiffs get little or nothing, and the lawyers have gotten massive fees. I can cite example after example in my State where awards have been de minimus or nothing. Jefferson County, MS, in my State is one of the worst, most abused magnet jurisdictions in the country. Far too often innocent local business men and women are joined as defendants in controversies to which they were merely innocent bystanders, all because plaintiffs' lawyers wanted to file the case in Jefferson County for the purpose of getting a bigger fee. Often, the cases have no other relationship to that county or to my State other than this is a good place to go. This is unconscionable. We have an obligation to our constituents to put a stop to it.

Before going any further, it is important we take note of the title of this legislation: Class Action Fairness Act. This is not just some random title that Senator GRASSLEY or others came up with. The whole point of the bill is to make the class action mechanism fair for all involved.

Some of my colleagues will argue today, I am sure, that the system is already fair. I ask, Is it fair for the plaintiffs in a class action suit to receive nothing, literally nothing, when the lawyers representing them receive $19 million? The citation is Shields et al. v. Bridgestone/Firestone, Inc. et al.

That is an actual case. Is it fair for the claims of residents of Mississippi, Washington, or Maine to be decided according to Illinois State law? Of course not. These are just two of the many reasons we need class action fairness, and we need it now.

Our Nation's judicial system was designed to be the fairest in the world for all litigation, and we have gotten away from that. These abuses have called into question the very fairness of our whole system. It is imperative we act to close these loopholes that have allowed this process to fail in the way that it has.

Before I talk about the specifics of what this bill does, let me take a minute to emphasize a few things the bill does not do. We will hear these allegations over the next few days, I am sure. This bill is not a tort reform bill, it is a court reform bill. This bill does not alter in any way substantive law. There may be some here who would want to debate that. However, I made that point at a meeting earlier today and I have gone back and checked it with experts. That is an accurate statement.

Contrary to the scare tactics of the plaintiffs' lawyers, this bill does not affect an individual's right to seek redress or damages through the court, and it does not in any way limit damages, either punitive or compensatory.

What does it do? First, it expands the jurisdiction of Federal courts over large interstate class actions. Clearly, that is a Federal jurisdictional issue and one we have a right and a real need to get into.

Let's be clear. We are only talking about those cases in which the aggregate amount in controversy exceeds $5 million, in which there are at least 100 plaintiffs, and in which any plaintiff is a citizen of a different State from any defendant. This makes basic sense. Where you have more than 100 class members and where parties to the litigation are from different States, the Federal courts should have jurisdiction. This provides fundamental fairness for all involved. The Framers of our Constitution were concerned about ensuring fairness in cases like this, worried that State courts could be biased in favor of a home State party

versus another party who was a resident of a different State. That is the very reason for a Federal diversity jurisdiction.

It only makes sense that we close the loopholes that a growing number are abusing and exploiting with the result of creating a system that is having a huge impact in terms of dollar amounts and business and economic development.

It is also important to note that this bill does not apply to every class action, only those meeting certain criteria. It is not going to result in our Federal courts being overwhelmed by a large number of class actions. We will hear that accusation this week. And it will not move all class actions to Federal court. In fact, it leaves in State courts a significant number of class actions. It reserves for State courts those cases in which all plaintiffs and defendants are residents of the same State. It reserves for State court those class actions with less than 100 plaintiffs. Likewise, class actions involving an amount in controversy of less than $5 million would remain in the State court as would class actions in which a State government entity is the primary defendant.

As a part of the compromise worked out with Senator FEINSTEIN last year, class actions that are brought against a company in its home State and in which two-thirds or more of the class members are also residents of that State would remain in State court.

Finally, State courts would retain jurisdiction over class actions involving local controversies where at least two-thirds of the class members and one real defendant are residents of the State where the action is brought. This bill reserves these cases for State court because it is the right thing to do.

There are other provisions of importance in this bill, including a consumer class action bill of rights. As many know, part of this section represents a compromise worked out by Senators SCHUMER, DODD, and LANDRIEU last year. Notably, it places limitations on contingency awards for attorneys in coupon settlement cases. By basing these contingency fees on the value of the coupons that are actually redeemed, or the amount of time expended by the attorney, it provides for a far greater protection for plaintiff class members. This provision takes a big step toward addressing the grossly inequitable fee awards to attorneys when class members end up with a coupon.

Additionally, by requiring the judge to make a written finding that the benefits to class members substantially outweigh the monetary loss from a settlement, the bill provides an added layer of protection for class members who will suffer a net monetary loss as a result of payment of attorney's fees.

Do not get me wrong. I went to law school. I practiced law for a while. Yes, I was on the defense side of the ledger most of the time. But I have to admit reluctantly that my brother-in-law—I am really not related to him by blood; he married my wife's sister—is one of the, shall we say more famous lawyers in this country, Richard Scruggs. He has brought a lot of lawsuits I don't like. On occasion he actually makes a point with some of those lawsuits. I don't want to put him out of business, but I want some reasonable restraint on how these class action suits have been abused. He has not been one of the ones who actually wound up having abused lawsuits in the courts, as he winds up getting settlements most of the time.

I understand both sides of this equation. I certainly do not want to take away people's right to sue—individuals or even class actions, when they are really a class. That is not what has been happening. There has been an effort to dredge up clients, and it has led to the next area I will talk about, mass actions.

There is language in this bill dealing with mass actions. I understand there may be an effort later today or this week to change this section with an amendment that I understand may be offered. But it is vital that we retain the mass action section of the bill without an amendment so that we don't open the door for lawyers to make an end run around what we are trying to do with class actions in this bill.

The mass action section was specifically included to prevent plaintiffs' lawyers from making this end run. It will ensure that class action-like cases are covered by the bill's jurisdictional provisions even if the cases are not pleaded as class actions.

The amendment that we are hearing may be offered later today is a little sleight of hand. This is a case where you argue that you're only changing one word but, in reality, you fundamentally alter what happens with regard to these mass actions. There are a few States, such as my State—which do not provide a class action device. In those States, plaintiffs' lawyers often bring together hundreds, sometimes thousands of plaintiffs to try their claims jointly without having to meet the class action requirements, and often the claims of the multiple plaintiffs have little to do with each other. There was an instance in my State where you had more plaintiffs in one of these mass actions than you had people in the county, more than the residents in the county. Under the mass action provision, defendants will be able to remove these mass actions to Federal court under the same circumstances in which they will be able to remove class actions. However, a Federal court would only exercise jurisdiction over those claims meeting the $75,000 minimum threshold. To be clear, in order for a Federal court to take jurisdiction over a mass action, under this bill there must be more than 100 plaintiffs, minimal diversity must exist, and the total amount in controversy must exceed $5 million. In other words, the same safeguards that apply to removal of class actions would apply to mass actions.

Mass actions cannot be removed to Federal court if they fall into one of four categories: One, if all the claims arise out of an event or occurrence that happened in the State where the action was filed and that resulted in injuries only in that State or contiguous States. That makes sense. The second exception would be, if it is the defendants who seek to have the claims joined for trial; third, if the claims are asserted on behalf of the general public pursuant to a State statute; and, lastly, if the claims have been consolidated or coordinated for pretrial purposes only.

Some of my colleagues will oppose this mass actions provision and will want to gut it by making an effort to confuse mass actions with mass torts. I realize we are kind of getting into a legalese discussion, but words make a difference when you are considering a bill such as this. I am very concerned that the real motive is to render this provision meaningless, thereby creating a loophole for the trial lawyers to basically get a class action by another name.

Mass torts and mass actions are not the same. The phrase ''mass torts'' refers to a situation in which many persons are injured by the same underlying cause, such as a single explosion, a series of events, or exposure to a particular product. In contrast, the phrase ''mass action'' refers to a specific type of lawsuit in which a large number of plaintiffs seek to have all their claims adjudicated in one combined trial. Mass actions are basically disguised class actions.

If we enact the amendment that we are hearing may be offered to alter the mass action section, if we do not keep the mass action section intact, we will be knowingly creating a loophole that would undermine our whole effort in getting some responsible reform.

I also understand there is another amendment that will be offered, and it has been referred to as the choice of law amendment. That has a good sound, choice of law. To me, that is another word for shopping around to find the best forum, once again, with no relation to where the incident occurred or where the plaintiffs live, or the defendants, or anything.

I have spoken to several of my colleagues about this amendment in the last week or two, and some of them have even said to me: Don't you think we should include this amendment? My answer is no. This is a bad amendment. In my opinion, it is a poison pill. If we

accept this choice of law amendment, basically the plaintiffs' lawyers can go to Federal court and say: OK, it is in Federal court, but we want to look at this State law, that State law, or another State law, depending on which one suits our particular cause the best. If this amendment is offered and passes, we would certainly have to go to conference then with the House. It would delay our efforts to get a final bill. And if we could not come up with a solution in conference that did not include this amendment, we would not get a bill.

So the phrase ''choice of law'' does sound nice, but the amendment actually would alter very fundamental legal principles. It would require Federal courts to apply one State's laws when adjudicating a nationwide class action. Here is what that means. If a nationwide class action is brought against a Mississippi company, the judge would be forced, under this amendment, to choose one State's law to apply to the whole country. The Mississippi company, which typically conducts business in Mississippi in compliance with Mississippi law and Federal law, would not necessarily have the protection of Mississippi law. Even though the Mississippi law, with which the company complied, differed from, for example, Nebraska law, the judge could potentially choose to apply Nebraska law.

So believe me, the proponents of this amendment know exactly what they are doing. If it were adopted, it would perpetuate the forum shopping that has been going on in recent years that has led to one of many areas of abuse.

Let me conclude because I know others want to speak. We want to get the process started. It is a compromise bill. It is not perfect. There will be different points of view. I have worked in this area for many years. I have heard all the arguments. I have heard those arguments on the floor of the Senate, in committee rooms, and at the family dinner table.

I want people to be able to get justice and redress. But I do not see how anybody can argue that there has not been abuse in the area of class actions and in mass actions. It has certainly been abusive in my own State. What disgusts me the most is the lawyers it has made superwealthy while the claimants got almost nothing. We can do better. This legislation will lead to a better solution.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Illinois.

Mr. DURBIN. Mr. President, I say to those of you who are following the Senate in action, welcome to our first substantive bill. That is right, this is the first substantive bill that we are considering. Some might conclude, if it is the first, it must be a very high priority.

Does it have to do with health care in America, the increasing costs of health care for families and businesses and individuals? No.

Does it have to do with education in America, how to improve our schools so we can compete in the 21st century? No.

It must be the Federal Transportation bill then. We know we need that. We are 2 years late in passing that bill, and we need the money spent in America to build our infrastructure. Is this the Federal Transportation bill? No.

No, it does not have anything to do with health care or education or transportation, despite the fact that every Senator in this Chamber, when they go back to their States and meet with their people, hears about those issues.

Senator, what are you going to do about the cost of health insurance? It is killing my business. Senator, what are you going to do about the President's No Child Left Behind, an unfunded Federal mandate? We are having trouble with our school districts back in Illinois and Utah and other places. What are you going to do about that? Senator, when are you going to pass the Federal Transportation bill? We need to improve our highways in Illinois.

Those are the comments we hear. But, no, when it comes to the very first bill, the highest priority of the Republican leadership in this Congress, we are going to deal with what they have characterized as a litigation crisis.

Richard Milhous Nixon, former President of the United States, wrote a famous book during his public career entitled: ''My Six Crises.'' Well, if you pay close attention to the Bush administration, you will find that they are way beyond six crises. They have told us we had a national security crisis that required the invasion of Iraq; an economic crisis which required tax cuts for the wealthiest people in America; a vacancy crisis in the Federal courts, despite the fact that this Senate had approved 204 of the President's 214 judges he sent to us. We were told we had a moral crisis requiring constitutional amendments. And just last week, the President has told us we have a Social Security crisis.

It is hard to keep up with this White House and all their crises. And here today, we are told we have a litigation crisis and a sense of urgency to deal with this bill. Yet the facts do not back it up.

According to the Administrative Office of the U.S. Courts, which is a part of the Federal judiciary, tort actions in Federal district courts from 2002 to 2003 dropped by 28 percent.

Over the last 5 years, Federal civil filings have not only decreased by 8 percent, the percentage of civil filings that are personal injury cases has declined to a mere 18.2 percent of the total docket.

The same thing is happening at the State level. So the statistics tell us we are not seeing an onslaught of more and more cases. Just the opposite is true; that is, in cases filed by individuals.

The study also took a look to find out what American businesses were doing—American businesses suing other businesses. It turns out American businesses were 3 to 5 times more likely to file lawsuits than individuals.

For example, in Mississippi, the State of the Senator previously addressing the Chamber and one of the States often criticized by tort reform advocates, Public Citizen found that businesses were more than five times more likely to file suits than individuals. In that State, there were 45,891 business lawsuits filed compared to 7,959 lawsuits by individuals. You sure wouldn't know it listening to the comments on the floor about a litigation crisis.

Along comes the self-styled group called the American Tort Reform Association. I think if you lift the lid on the American Tort Reform Association, you will find a lot of the big business interests in America. They have come forward and decided that they are going to call certain areas of America judicial hellholes. For example, their 2004 report labeled the entire State of West Virginia as the No. 4 judicial hellhole in America. Why? The report states that in one county, Roane County, WV, which in its first 150 years never had a class action lawsuit, actually had two class action lawsuits filed in a year and a half—two in a year and a half, the No. 4 judicial hellhole in America.

Here is another exaggeration by the same group: the No. 6 judicial hellhole in America, Orleans Parish, LA. According to the report from the American Tort Reform Association, a strong proponent of this bill, this county earned the title because ''plaintiffs attorneys are turning mold into gold'' by representing a class of government attorneys working in buildings containing toxic mold which caused health problems. How many class action lawsuits were filed in Orleans Parish to make them a judicial hellhole? One.

The Senator from Mississippi spoke a few minutes earlier about abuses in his own State. Take a look at what happened in the State of Mississippi. In 2002 and 2003, this same American Tort Reform Association listed Mississippi, its 22nd judicial district, as a judicial hellhole. In 2004, it didn't make the list. Why? Because the State actually received five pages of praise from the same group for changing its State's laws to deal with class action lawsuits. This Mississippi judicial hellhole became an object of praise and admiration when they fixed their own problem at the State level.

I can't avoid the topic of judicial hellholes without speaking for a moment about Madison County, IL. The President was so upset about Madison County, IL, that he flew to Collinsville a couple weeks ago to criticize their court system. Let's take a look at Madison County in terms of real numbers.

In 2004, Madison County ranked No. 1 by the American Tort Reform Association as the worst judicial hellhole in America. So what do we find about the class action lawsuits that were filed in Madison County? Of the class action lawsuits filed in 2002, four were certified to go forward. All the rest of them languished and did not. Four cases in 2002 went forward. But surely if they are a judicial hellhole, it got worse. But it didn't. In 2003, only one class action lawsuit was certified. One. What happened in 2004? Not a single class action lawsuit has been certified. So when you hear these exaggerations on the floor about judicial hellholes and all of these class action lawsuits, it turns out that the No. 1 example of a judicial hellhole—Madison County, IL—had no class action lawsuits that were certified in 2004.

We know what this is all about. We should get down to the basics. Why is the U.S. Chamber of Commerce spending over $1 billion to lobby us to pass this bill? This is the largest amount of money ever recorded for lobbying activities and the first time that lobbying spending has passed the $1 billion mark. Why is it so important? According to Senator LOTT and others, it is just a simple thing. We are going to take class action lawsuits out of State courts and put them in Federal courts. What is the matter with that? Federal courts are supposed to represent the Nation. These class action lawsuits have plaintiffs from all over the country. It seems reasonable.

If that is all there is to it, why would these business interests spend such an inordinately large sum of money to lobby us to pass it? Because they know, as we know who have practiced law, that Federal courts are unfriendly to class actions. Federal courts are less likely, by their own rulings, to certify a class. In other words, a class of plaintiffs files a lawsuit in Federal court, it is less likely it will go forward. That is what this is all about. It isn't about class action fairness; this is the class action moratorium act.

Also, Federal law favors less liability in case after case. Federal law discourages Federal judges from providing remedies under State laws. So the business interests that want to move these cases from State court to Federal court understand what it is all about. Fewer cases will survive. Those that do will pay less. That is what their goal is. That is why they have spent this enormous amount of money lobbying Congress.

Listen to what the business interests say about the Class Action Fairness Act before us:

> It would simply allow Federal courts to more easily hear large national class action lawsuits affecting consumers all over the country.

How harmless. Yet they spent $1 billion lobbying to pass this bill as the first bill of this Congress—before health care, before education, before the Federal transportation bill. They know, as we do, that class action lawsuits in Federal court are much less likely to survive.

Let me give an example, because the problem with talking about class actions is most people listening say: What in the world is he talking about? Is this a class in school or class of people? Who are you referring to? Let me give a concrete example.

Charles and Jenny Will live in Granite City, IL, which happens to be in Madison County. They are an older couple. They live in a small blue and white wood-frame house. Their main source of income is Social Security. They are nice people. I am proud to have them as my constituents. On their walls hang pictures of their kids and the Last Supper.

Mr. Will has 3 years of Active-Duty service in the U.S. Navy and a sign in his front yard that he proudly put there saying ''support our troops.'' He is 71 years old. He is on oxygen, but he moves around pretty well. He has had some major heart problems, including triple bypass in 1989, and problems with his leg where the doctors had to remove a vein for surgery.

Mr. Will is taking nitro tablets and about 15 different medications daily, two of which are insulin. He was, unfortunately, diagnosed with diabetes 20 years ago, and he has very few complications—thank goodness—but it seems to have affected his vision, which is not very good.

Mr. Will was prescribed the drug Rezulin by his doctor. He remembers it because the drug was real expensive. He told the doctor he couldn't afford it, so his doctor gave Mr. Will a bunch of samples to take home. Rezulin, a drug prescribed for the treatment of type 2 diabetes, became available in the U.S. in 1997. Warner-Lambert marketed this drug as ''safe as a placebo''—in other words, as safe as a sugar pill.

Three years after Rezulin came to market, the FDA asked Warner-Lambert to voluntarily remove the drug from the market as they started noting too high an incidence of liver failure and deadly side effects. Mr. Will was subsequently taken off Rezulin and prescribed a safer treatment.

A class action lawsuit was filed in Illinois to protect people living there like Mr. Will. The case alleged that Warner-Lambert violated the New Jersey consumer fraud statute by pricing the drug much more in excess of the price that the drug would have been but for Warner-Lambert's concealment of the drug's deadly side effects.

This theory is supported by the major insurance companies.

Last year, the case was certified by the State court as a class action. But it was turned down in Federal Court. That is the problem we are running into.

Mr. President, I have an amendment I am going to offer. I think I will wait until after lunch to do that. The Senator from Texas is here and wishes to speak. We have about 20 minutes remaining.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. I will speak generally about the issue of class action reform contained in S. 5, because I believe the American civil justice system is, in many ways, at a crossroads. We have an opportunity to choose between taking a path toward greater freedom and responsibility, or heading down a path that encourages lawsuit abuse and cripples our ability to compete in a global economy. Now is the time, I believe—actually it is past time—to enact the reforms necessary to ensure America's competitiveness in the 21st century.

I am struck, as I listen to the critics of this bill, many of whom are the same people who complain about the fact that American jobs are being sent offshore to places like India, China, and elsewhere, when one of the very causes of the damage to America's global competitiveness is our civil justice system.

I think people of good faith and good will agree that the goal of our civil justice system ought to be getting people who are truly injured as a result of the fault of another fair compensation. But I think also, being objective about this issue and some of the examples of abuses that we have seen, we know too often that this goal is not being met in the current environment. We see lawsuit abuse particularly in the class action area and also in the asbestos area. This abuse is having a damaging impact on our economy. In the asbestos area, we see people who are sick are getting pennies on the dollar in compensation because people who are not sick are getting ahead of them in line, resulting in bankruptcies which have destroyed jobs and pensions for American workers.

So it is unthinkable to me that anyone could stand here on the Senate floor and claim there is nothing wrong. That seems to be a common theme these days, whether we are talking about Social Security or lawsuit reform, or a variety of subjects. But the truth is that the facts clearly indicate otherwise.

As the continued spread of democracy and capitalism take root in countries throughout the world, and as

modern travel and information technology bring our world closer together, there is no question that the health of America's economy is influenced by the free flow of goods and services in international markets.

It is a simple fact of life: We live in a global marketplace, where we do not just compete with businesses across the street, but with ones on the other side of the world. Our economic strength and ability to compete now depends on our willingness to confront the burdens that prevent growth, discourage innovation, and ultimately cost Americans their jobs.

It is unthinkable to me that anyone can claim a system that compensates people who truly are injured as a result of the fault of another so poorly, but makes a handful of lawyers rich, doesn't need to be fixed. But the system—particularly in the class action area—is fraught with abuse. I will not detail all of those abuses, since they have been addressed earlier. But one of the most classic cases is the coupon settlement. It reminds me of an old country and western song, where the lawyers get the goldmine and the consumers get the shaft.

We have all seen the numbers relating to the cost of our broken civil justice system. According to one estimate, the cost of the tort system in 2003 totaled more than $245 billion, or 2.2 percent of the gross domestic product. That amounts to a tort tax on every American citizen of approximately $845 a year.

The percentage of our economy that is devoted to tort law and resolution of claims through our tort system is far greater than any other industrialized country. In Britain, for example, the entire tort system—attorneys' fees, settlement costs, jury awards, and administrative costs—costs less as a percentage of GDP than America's plaintiffs' lawyers gross for themselves alone.

This level of stress on the economy and on our civil justice system itself is unacceptable. But it hasn't always been that way. Class actions, prior to significant rule changes in the 1960s and 1970s were not, as they are today, largely a sport for a handful of aggressive personal injury lawyers to pursue abusive litigation and junk lawsuits. Take, for example, the change in 1966, from a system where class members were required to ''opt in'' to a system, where now they are required to ''opt out.'' By 1971, four times as many class actions were being filed than had been in 1966. In other words, from 1966 to 1971, we saw four times the number of class actions brought.

Since that time, recoveries have skyrocketed. This chart behind me reflects the growth I mentioned a moment ago. You can see that from 1973 to 1975 there were relatively few class action lawsuits and relatively modest recoveries. But they have obviously ballooned and appear to be getting bigger year by year.

The problems we increasingly experience with abusive class action lawsuits call for a significant overhaul of our civil justice system and particularly our rules providing for the resolution of mass tort litigation.

I must tell you that the bill we have before us today is clearly a modest reform. It amounts to an improvement over the status quo, but it doesn't begin to approach the comprehensive solution America needs.

As it stands, S. 5 provides two primary improvements: It allows removal of a greater number of class action lawsuits from State court to Federal court, and it requires judges to carefully review all coupon settlements and limit attorneys' fees paid in those settlements to the value actually received by class members.

These two reforms—as modest as they are—are important and will certainly offer fair but desperately needed relief for State courts which are experiencing firsthand the explosion of class action litigation. It will also provide for greater fairness for defendants who are currently being dragged into ''magnet jurisdictions,'' and it will provide greater fairness for class members who are oftentimes receiving pennies on the dollar, while class counsel get rich.

Yet, as much of an improvement as this bill is, it falls short of the ideal. To be effective and fair, I believe class actions and other mass tort litigation require three things: A level playing field; transparency, so consumers can have complete, fair, and accurate information; and a clear relationship between class members and their lawyers.

First, a level playing field depends on a fair class certification process. As the current occupant of the chair knows, almost all class actions settle if certified. The main event in class action lawsuits is the certification process because ultimately, once certified, most defendants feel as if they have no choice but to settle because even a small risk of an adverse judgment, given the large number of class members, can lead to a ruinous result. They are forced to try to settle the case on the best terms they can.

Where there is no right to an immediate interlocutory appeal of class certification and stay on discovery, class certification can cause settlements that far exceed the case's value on the merits because of the extortionate effect of the certification process and the threat it brings to the very livelihood, not to mention the financial life, of the defendant involved.

States, such as my home State of Texas, have also embraced limits on appeal bonds. Too often in large class action lawsuits, the judgment can be so large that the defendant cannot, in effect, buy an appeal bond with which to appeal the case and correct an erroneous ruling below. So the defendant is forced to settle because they cannot afford to appeal—again, not based on the merits, but based on the way class action lawsuits are structured, without a right to interlocutory appeal.

The second step toward an effective system, I believe, is information flow. Class actions require that adequate information be available both for the sake of the process itself and for policymakers, like us, to analyze. It is hard for us to do our job when it comes to class action reform or civil justice reform when some of the information—much of the information—is simply hidden from public view. Class members should be fully advised of all aspects of their case, and we should require that certain relevant information about all class action settlements be collected and published centrally for examination and review by analysts and policymakers.

Just as in Government, when it comes to class actions, people deserve to know what is going on, particularly if it is their case.

The final step, and the most important one to me, is maintaining the proper relationship between the class members and their attorney. As the occupant of the chair, the Presiding Officer, knows, this is a particularly tough issue when it comes to class counsel who may have one real client, the class representative, with whom they deal but, in reality, class counsel calls the shots and runs the case. Class members may not even know they are involved in a lawsuit until they receive a notice of settlement and perhaps, as we heard, a coupon worth pennies on the dollar. The opportunity for abuse of that important fiduciary relationship between the lawyer and the client is very important to address.

I believe one solution would be to allow members of the class to opt in instead of opting out because, indeed, in a country that says we do not promote litigation, although we certainly give fair access to courts, it just does not make much sense to me to say to the consumers: You can be a plaintiff in a lawsuit, you can actually be a party to a lawsuit and not even know about it until the lawsuit is over, which is what happens today.

Consumers should not have to learn that they are members of a class action lawsuit by receiving a check for $2.38 in the mail and then find out in the morning paper that the lawyers who purported to represent them just collected $5 million. The cases and examples go on and on.

It should also go without saying that the attorneys should be paid at a level commensurate with the work before them, not based on strictly a contingency fee which may, indeed, allow

huge financial rewards for relatively modest work actually being done.

I hope those listening, if there are any listening to my comments, understand my concerns that this modest legislation does not go far enough to remove the scandal of litigation abuse that too often plagues our civil justice system and the American economy. I hope they understand my reservations do not indicate I am not for this bill because, indeed, I am. I believe S. 5 is an important first step in reform and an important step in the right direction.

In conclusion, because I know there are others who want to speak, there will be attempts to offer amendments to this bill. I know Senator DURBIN, but for the loss of his voice, would have been the first to offer his amendment. I am told Senator KENNEDY will be here shortly to do the same, but as everyone knows who has followed this bill—certainly Senator CARPER who has been an advocate for class action reform for some time, knows—the compromise reflected by S. 5 is a very fragile one, and it essentially depends on no amendments being made to the bill or agreed to the bill. If that happens, it is likely the bill will go promptly to the House where they will pass it, and it will go to the President's desk, and we will have an early victory for the American people in this important area. But there are a number of amendments that will be offered which, in essence, are poison pills, that if agreed to will completely destroy any opportunity we have for this modest reform.

I have my own amendments that I filed, if others are offered and agreed to, which I believe are important to move the bill in the direction where I think it ought to go. But the truth is, I am refraining from urging those amendments at this time because I think this fragile compromise, as modest as it is, does represent real reform in moving the bill in the right direction.

Here again, as the Washington Post editorial on August 27, 2001, points out:

> No portion of the American civil justice system is more of a mess than the world of class action. None is in more desperate need of policymakers' attention.

That was in 2001, and certainly the situation has not changed today.

I am baffled by those who want to whistle past the graveyard and act as if there is nothing wrong and that everything is just hunky-dory when it comes to class action reform. I believe the American people expect that the civil justice system will operate in their best interest, not in the best interest of a handful of lawyers.

I am confident the damage that is being done to American competitiveness is killing jobs that would be created in the United States but for the fact that people do not want to subject themselves to an out-of-control class action system. So, instead, jobs are being created in other countries across the world where they do not have those same concerns.

This is clearly an area that cries out for reform. It is one that is long past due.

I congratulate Senator CARPER and others on that side of the aisle who have worked so carefully to try to craft this fragile compromise. But I want my colleagues to understand—and I think they all do; I think we all do—that any amendments to this bill will doom it. So I urge all of my colleagues to vote against any and all amendments; indeed, even ones that I may like but which I know will have the ultimate effect of killing the bill. I think it is better to save those for another day and another time rather than have the prospect of this bill going down in flames.

Mr. President, I appreciate the time and yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I understand that under the previous order, the Senate will stand in recess at 12:30 p.m. for our weekly caucus luncheons. I ask unanimous consent, notwithstanding that unanimous consent agreement, to proceed for 5 minutes.

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

Mr. CARPER. Mr. President, before Senator CORNYN leaves the floor, I thank him for his kind words, and I am pleased that we are at the point where we are on this legislation this week. I look forward to both sides exercising constraint—we cannot let the perfect be the enemy of the good—and pass the good legislation that has been introduced and debated this week, with the understanding the House will accept it and the President will sign it into law.

We heard a fair amount already about the ills of class action lawsuits. Class action lawsuits, in and of themselves, are not a bad thing. Class action lawsuits give little people who are harmed, in some cases by companies, the opportunity—maybe not harmed in a way that the consumers, the little people, lose their eye, arm, leg, or life, but they suffer some kind of harm.

The idea behind class action lawsuits is to say when little people are harmed by big companies or others that those people can band together and present their grievances to an appropriate court, State or Federal, and for the people who are harmed to be made whole.

At the same time, it is important that when the plaintiffs are bringing a class action lawsuit against a defendant from another State, that the case be heard in a court where both sides can get a fair shake, the plaintiffs as well as the defendant.

If we go back over a couple hundred centuries in this country, we ended up with a law that the Congress passed that said if we have a defendant from one State and plaintiffs from another State, it is not fair to the defendant to have the case necessarily heard in the home of the plaintiffs. Someone may have dragged the defendant in across the State lines and put them in a courthouse or courtroom where there is a bias toward the local plaintiffs who brought the case against the defendant from another State, and in an effort to try to make sure that we are fair to both parties, those who are bringing the accusations and those who are defending against them, we have the Federal courts which were established in many cases to resolve those kinds of issues.

Unfortunately, we have seen an abuse of some class action lawsuits in recent years which led the Congress to begin debating this issue and considering legislation to address these abuses starting in, I want to say 1997, 7 years ago. The original problem that was discovered or was pointed out is this: There seems to be a growing prevalence of plaintiffs' attorneys who are forum shopping in State or local courts where the plaintiff class may have an inordinate advantage against the defendant. I will not go into the examples today, but there are any number of instances where one can see forum shopping has gone on, a State or a county courthouse has certified a class, agreed to hear a case, and it sets up a situation where the defendant company or the defendant knows they are going to have a hard time getting a fair shake in that courthouse. As a result, the defendant will agree to a settlement with the plaintiffs' attorneys. The settlement may richly reward the plaintiffs' attorneys for bringing the case, the defendant may cut their losses, but the folks on whose behalf the litigation was brought in the first place, those who allegedly are harmed, in many instances get little or nothing for their harm. That is not a fair situation. It is not fair to the little people on whose behalf the case has been brought. It is arguably not fair to the defendant because they are in a courtroom where they do not have a fair chance to defend themselves. It can be fixed, and it ought to be fixed.

The legislation before us today will not end the practice of class action lawsuits being litigated and decided in State courts. I believe the majority of class action lawsuits, even if this legislation is passed, which I am encouraged that it will, will still continue to be held in State courts, and they should be. We will have the opportunity to explain why that is true later on.

Before my 5 minutes expires, I conclude with this: There are any number of people on both sides of the aisle who would like to offer amendments to this bill. We have been working for 7 years to try to pass something that the

House, the Senate, and the President will agree to. The time has come. To the extent that we make a change, whether it is in a Republican amendment or a Democratic amendment that might be offered, if we make a change, we invite the other side to retaliate and to offer their amendments and perhaps to adopt their amendments. For those of us who want to see this bill passed, I believe this legislation is about the fairest balance we are going to get, and I would encourage us to support it. We should consider and debate the amendments but in the end turn those amendments down.

I look forward to debating each of those amendments, and I hope in the end we can accomplish three things with this legislation: No. 1, make sure that where small people are harmed in a modest way, they have the opportunity to be made whole; No. 2, make sure that the defendants who are pulled into court on these class action lawsuits have a reasonable chance of getting a fair shake; and lastly, I am not interested in overburdening Federal judges. I think most of this litigation should remain in State court. I believe the compromise we have struck will do that. Those are our three goals, and I look forward to the debate that is going to follow.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:34 having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

CLASS ACTION FAIRNESS ACT OF 2005—Resumed

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, it had been announced earlier that the Senator from Illinois, Mr. DURBIN, would be offering an amendment on class action, so we will await his arrival. In the interim, I will yield to my distinguished colleague from Utah, Senator HATCH, who has some comments and who will be managing the bill this afternoon.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, what is the parliamentary state of affairs?

The PRESIDING OFFICER. S. 5 is before the Senate.

Mr. HATCH. Have no amendments been presented?

The PRESIDING OFFICER. Not yet.

Mr. HATCH. I ask the distinguished Senator from Massachusetts if he is prepared to submit an amendment. If he is, I would be happy to yield to him instead of making my comments.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I am going to send an amendment to the desk.

Mr. President, it is wrong to include civil rights in wage-and-hour cases in this bill. Families across the country are struggling to make ends meet. They work hard, play by the rules, and expect fair treatment in return, but they often don't get it.

Unfair discrimination can lead to the loss of a job or the denial of a job. It can keep them from having health insurance or obtaining decent housing. It can deprive their children of a good education. We can't turn a blind eye to that enormous problem. Those who engage in illegal discrimination must be held accountable.

That is why I am offering this amendment—to protect working families and victims of discrimination. Hard-working Americans deserve a fair day in court. Class actions protect us all by preventing systematic discrimination.

Attorneys general from 15 States—California, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oklahoma, Oregon, Vermont, and West Virginia—oppose the inclusion of civil rights in wage-and-hour cases in the bill. The problems that supporters of the bill say they want to fix don't even rise in civil rights and labor cases. No one has cited any civil rights or labor cases as an example of abuses in class action cases under the current law.

During the discussion of this bill in the Judiciary Committee and on the floor last year and during the committee's discussion last week, no one identified any need to fix civil rights or labor class actions. ''If it ain't broke, Congress shouldn't try to fix it.''

There is no good reason to include these cases in this bill, but there is an excellent reason not to include them. This bill will harm victims of civil rights and labor law abuses by delaying their cases and making it much more difficult and much more expensive for them to obtain the justice they deserve. It may even discourage many from seeking any relief at all.

That is not what this bill was meant to do. We were told this bill was about cases in which individuals from across the country receive relief in State courts for relatively minor violations—sometimes getting just a coupon or a few dollars in a case they didn't even know about while a few elite attorneys receive more megadollar fees. Civil rights and wage-and-hour class action suits are not about minor violations. They are about serious, sometimes devastating harm to people who have been treated unfairly and are seeking their day in court; people such as Mary Singleton, a long-term employee at a scientific laboratory in California who joined a gender discrimination class action after her employer refused to give her and other female employees equal pay for equal work. Ms. Singleton and her coworkers filed their case in State court because State law provided greater protection against gender discrimination and retaliation and because the Federal court rules would have placed additional limits on discovery.

This bill would also harm people such as Georgie Hartwig who spent 6 years working at a national discount retailer in Colville, WA. For years, Ms. Hartwig and her fellow workers were forced to work off the clock, skipping breaks and lunch, but not being paid for their time. Now she is fighting, along with 40,000 coworkers, to get the wages they have earned. This bill was not supposed to make it harder for people such as Ms. Hartwig to get justice.

We were also told this bill would not shift cases to Federal courts unless they truly involve national issues, while State cases would remain in State court. The bill's actual effects are quite different. It does not just affect cases where the events affect people in multiple States; under this bill, a corporate defendant with headquarters outside the State can move State class action cases, including civil rights cases and worker right cases, into Federal court, even if all the underlying facts in the case happened in a single State. Think about that. If 100 workers in Alabama sue their employer under Alabama law for job discrimination that occurred in Alabama, this bill says the employer can drag their case into Federal court if the employer happens to be incorporated in Delaware. That makes no sense.

The bill would also apply to cases that seek justice for other strictly local events such as environmental damage. That is not what this amendment is about. This problem, which is affecting us now in Massachusetts, illustrates the fact that this bill is not just about truly national cases, as supporters keep insisting.

A case now pending in a Massachusetts State court illustrates how the bill deprives local citizens of access to their own State courts when they become innocent victims of widespread pollution occurring in their hometowns.

In April 2003 an oil barge ran aground on Buzzard's Bay off the coast of New Bedford, MA, spilling 98,000 gallons of oil into the bay and polluting almost 90 miles of beaches and sensitive tidal marshes in the area. Homeowners filed a class action suit in State court asking for compensation for the damage to their property. One of the defendants, Bouchard Transportation Company, has already been convicted of criminal negligence in causing the spill. The defendant companies are from out of State. Even though the case occurred

entirely under Massachusetts laws, if the current bill, the proposed bill, had been in effect when the case was filed, this case could be removed to Federal court even though all the victims are full-time Massachusetts residents and seeking relief in Massachusetts courts under Massachusetts laws.

Because this bill is not retroactive, the case will not be affected by this bill, but with the passage of this act, similar future cases, properly brought in the courts of the State where the harm occurs, can be removed to the Federal courts. As a result, the victims will often be confronted by class action certification procedures more onerous than those in their State courts. They will face delays from congested Federal dockets. They will have to travel greater distances from their homes to the courthouse. The procedural changes in this bill seem abstract, but they will have a devastating consequence for real people.

First and foremost, it reduces each State's power to protect its own citizens and enforce its own laws. Moving these cases to Federal court will often end them for all practical purposes. Federal courts may decide they do not meet the Federal rules for class certification. Even if the cases are not dismissed, plaintiffs forced into Federal court on State law claims have the decks stacked against them in Federal court because Federal courts take the narrowest possible view in interpreting State laws. The First and Seventh Circuits ruled in interpreting State laws Federal courts must take the view that narrows liability. State judges should be the ones who interpret State laws, not Federal ''big brother.''

Often State laws have greater protections than Federal laws. That is the genius of our Federal system. Many States have stronger minimum wage laws and greater overtime protections than Federal law. Fourteen States and the District of Columbia have a higher minimum wage than the Federal standard. Twenty states have overtime laws that give workers greater protection than the Federal Fair Labor Standards Act. Over 20 States have child labor laws that are more protective than Federal child labor laws.

At a time when the administration is bent on undermining overtime at the Federal level, State law protections are more important than ever.

States are also pioneers in protecting civil rights. Many States, such as California, Minnesota, New Jersey, New York, Rhode Island, Washington, and West Virginia, have greater protections for persons with disabilities than the Federal Americans With Disabilities Act. States are also in the forefront of protecting against discrimination based on family status or citizenship.

A majority of States prohibits genetic discrimination in the workplace, a new and troubling form of discrimination where the Federal Government has been too slow to respond. Our proposal, to prohibit genetic discrimination under Federal law, passed 95–0 in the Senate, but it stalled in the House. When States act ahead of the Federal Government to provide greater rights for their citizens, State courts should be allowed to interpret their own laws. State courts, not Federal courts, have the expertise in exerting the will of the State legislature and they should have the right to do so.

We all know what is going on. We should call this bill the ''Class Action Hypocrisy Act of 2005.'' Our colleagues love to proclaim States rights when Congress tries to expand the rights of law in all 50 States, but they do not hesitate to override States rights to help their business friends. This bill is a windfall for guilty corporate offenders. It even allows repeat offenders to drag State cases into Federal court and allows them to spend months litigating whether the case belongs there. If the Federal court decides that the case does not fit the narrow rules set by the bill and should be sent back to State court, that will cause another delay because the employer can appeal the decision. Delay is a serious problem today in many Federal trial courts across the country.

Paul Jones, an employee of Goodyear Tire Company in Ohio, found that out the hard way. He and other workers in their fifties filed an age discrimination case in the State court in Akron. All they wanted was to be judged by their ability, not their age. His attorney said, We file our class action lawsuits in the Ohio State court system because it is our experience these cases move much more rapidly in the State court than they would if filed in the Federal court system. The difference in the amount of time it takes to adjudicate a State court age discrimination case compared to a Federal court case may be as much as 2 years. No wonder the corporate defendants are salivating over this opportunity to escape the liability for their wrongs.

Paul Jones had a State law claim in State court, but his employer tried to have it dismissed based on Federal court rulings that certain types of arguments in age discriminations were invalid. The State court rejected that argument. It held that Mr. Jones could proceed with his claim based on the disparate impact analysis, something Ohio's Federal courts did not allow. But a Federal court would have been much more likely to go along with the idea because Federal courts read the State law narrowly.

The delay from moving State cases to Federal court would be particularly harmful for low-wage workers who have no resources to fall back on when litigation expenses start to mount.

A letter by David Luna, Flora Gonzales, and dozens of coworkers who were housekeepers, cooks, and waiters at two luxury hotels in Los Angeles, makes the point. Their heavy workloads forced them to work through their meals and breaks.

They write:

> [A]s cooks we . . . struggle to meet the hotel's 30 minute room service guarantee, yet we work through our own 30 minute meal breaks on an almost daily basis.

These workers are working to recover wages they own, but the corporate defendants have been trying to slow down the case by removing it to Federal court. The harm of such delays is very real to these workers, as they so poignantly described:

> For some, delays in getting your day in court may be only an inconvenience. But we are modestly paid workers with physically demanding jobs. For us, delays mean that we must continue to work without breaks, our work days are harder than they should be, and we must wait longer to be paid the extra wages we have earned.

If this bill passes, big corporations will have free rein to use procedural maneuvers to delay these cases and deny these workers their day in court. Why should we make it harder for those workers to get their claims decided?

Abuses by large companies are widespread. Right now, class action cases are proceeding in State courts in Massachusetts, Minnesota, and California for hundreds of thousands of low-wage workers who were required by Wal-Mart to work extra hours ''off the clock'' without being paid for their extra time. It is wrong for Congress to side with the big guy.

These men and women deserve to recover their lost wages to pay their rent, pay their medical bills, and put food on the table. The longer they wait for justice, the heavier the burden on these workers and their families. And the Senate is about to tell them to take a hike? It is outrageous.

Supporters of the bill talk a lot about fairness. We hear that word again and again. It has even been put into the title of the class action bill. Labeling it ''fair'' does not make it fair.

Fair does not mean punishing those who are mistreated on the job. Fairness does not mean making it harder for honest working men and women to obtain justice when they have been cheated out of their wages. It does not mean denying victims of discrimination their day in court under the laws of their State.

It is wrong for Congress to side with corporate abusers and tell the victims of discrimination and unfair practices they cannot count on their own State courts to give them the justice they deserve. But that is what this bill is all about. At the very least, we should exclude civil rights and labor cases from its harsh provisions. I urge my colleagues on both sides of the aisle to support this amendment to protect

these basic civil rights of hard-working Americans in communities across the country.

Mr. President, I received many letters from working Americans and victims of discrimination who support this amendment. I ask unanimous consent to have some of these letters printed in the RECORD.

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

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC
Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC

DEAR SENATORS: We are writing to share our concerns about the Class Action Fairness Act, which would force workers with claims under state wage and hour laws to bring their suits in federal courts. Based on our own experience in trying to enforce state law labor protections in a class action lawsuit, we urge you to work to exclude wage and hour class action cases from this bill.

We work at the Century Plaza and the St. Regis Hotels, two luxury hotels in Los Angeles, California. We are housekeepers, cooks, room service waiters, bartenders, servers, mini bar restockers, valets, or work at other hourly jobs. We are employed by Starwood Hotels & Resorts Worldwide, Inc., which manages and operates these hotels.

Under California law, employees must be allowed two paid ten minute rest breaks and one half-hour unpaid meal break every shift. If employees cannot take their break, they are supposed to be paid an extra hour's wages.

At the Century Plaza and the St. Regis, workers are routinely unable to take meal and rest breaks either because no one is scheduled to relieve us or because our workload is so heavy that we cannot take the time off. We believe that Starwood has sought to boost profits by increasing our workloads and by reducing staff, which means we cannot stop working long enough to take our breaks.

For example, cooks in the Century Plaza room service department struggle to meet the hotel's 30 minute room service guarantee, yet we work through our own 30 minute meal breaks on an almost daily basis. Housekeepers at both hotels face quotas of up to 15 luxury rooms per day. Each room must be spotlessly cleaned and restocked, with towels and linens changed, carpeting vacuumed, and bathrooms left sparkling. We spend our entire shifts rushing to meet the hotel's high standards and often cannot rest until the end of our shifts. A Los Angeles Times article concerning the inability of housekeepers to take their breaks is attached for your reference.

Last fall, we filed a class action in California superior court seeking to enforce the state's laws regarding meal and rest breaks. By now, we expected to have completed initial hearings and be well on our way to preparing for our trial. But because our employer has moved our case to federal court and is trying to have it dismissed, we have been forced to endure delays.

For some, delays in getting your day in court may only be an inconvenience. But we are modestly paid workers with physically demanding jobs. For us, delays mean that we must continue to work without breaks, our work days are harder than they should be, and we must wait longer to be paid the extra wages we have earned. As our situation shows, delays are a significant burden to those seeking basic rights and a fair day's wage for a fair day of work. We urge you to work to keep state wage and hour class action cases in state court, where they belong.

Sincerely,

(SIGNED BY 85 EMPLOYEES)

MARY F. SINGLETON,
Truchas, New Mexico, February 2, 2005.
Attn: Judiciary Committee

Re Federal Class Action Legislation

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC

DEAR SENATOR KENNEDY: I am writing because I understand that Congress is considering legislation which might place certain limitations on class action lawsuits and require that many class actions be filed in federal court. As a woman who was the lead plaintiff and class representative in a gender discrimination lawsuit against a major employer in state court, I am concerned that such legislation will limit the ability of victims of discrimination and civil rights violations to adequately redress their grievances. I urge you to do what you can to preserve the rights of state citizens to pursue class action cases in their own state.

As a long term career employee of a large scientific research laboratory in California, I tried for many years to convince management to evaluate its compensation and promotional practices and take steps to correct long-standing and widespread disparities in salaries and promotions between men and women at the institution. When these efforts ultimately proved to be unsuccessful, five colleagues and I reluctantly decided that the only way that the civil rights of women at the organization would ever be addressed was through litigation. We retained counsel and filed a class action in state court, alleging violations of anti-discrimination law on behalf of ourselves and approximately 3,000 female co-workers.

My understanding from our attorneys was that we could have filed our case in federal or state court, since both have laws against employment discrimination. After considering the options, we decided to file in state court because we felt that it would provide a better opportunity to fairly and fully present our case. Among other things, because of the size and nature of the organization, we knew our employer would try to make the case very complicated, and that a considerable amount of ''discovery'' would be necessary, including a number of depositions. Our understanding was that the state court procedures would offer more flexibility in this regard, allowing our attorneys a fair opportunity to obtain the information necessary to present our case on behalf of the class.

In addition, we wanted to include claims based upon state laws because, in some respects, they provide stronger protection against discrimination and retaliation. Although we knew that we could include state law claims in a federal court lawsuit, our understanding is that federal courts may not be as familiar with state laws and may not be willing to interpret state law as opposed to rigidly apply past interpretations.

Yours very truly,

MARY F. SINGLETON

LAW OFFICE OF JOHN C. DAVIS,
Tallahassee, Florida, January 14, 2005.
Re: Proposed Legislation Federalizing Class Actions

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I am a lawyer working in the Florida panhandle doing employment and civil rights cases. I am class counsel along with Wes Pittman of Panama City in a certified class action against the Florida Department of Corrections brought by a class of hard working women who are health care providers and non-security personnel in the corrections systems. They daily serve the citizens of Florida by providing health care and other essential services to inmates. As a condition of their employment they have been subjected to unrelenting sexual harassment by certain male inmates. The Department has known of this for years and can stop the harassment, but has ignored and belittled their plight.

The Circuit Court in Washington County, Florida, certified this case as a class action and the Florida First District Court of Appeal affirmed that certification because they saw the injustice suffered daily by these courageous women. The case is reported at *Rudolph* v. *Department of Corrections*, 2002 WL 32182165, *aff'd*, 855 So.2d 59 (Fla. 1st DCA 2003). The lower court's opinion, which is published on Westlaw, describes in detail the facts of the case.

This case cried out for class action treatment because that is the only way to effect the kinds of change that will get the attention of the Department of Corrections. Individual cases rarely if ever effect change beyond the circumstances of the individual bringing the case. They are usually settled confidentially.

We filed this case is state court, however, because it would have had little chance in the federal court. The federal courts in Florida would not certify the case because of what can only be viewed as a profound hostility to these kinds of cases by the Eleventh Circuit Court of Appeals. Thus, absent a state court class action, there is simply no way that all of the individuals affected by the Department's practices would ever get relief.

Permitting employers to remove class actions like this to the federal courts will effectively deny any opportunity for the kind of systemic relief that results in real change. The irony that the interests driving this ill-conceived legislation are usually states' rights proponents shouldn't be lost on anyone. State courts are as well suited, if not better suited, to adjudicate these controversies.

This legislation will not promote justice and will upset the federal-state balance. If the legislation cannot be defeated in its entirely at the very least an exception to it should be made for civil rights and employment litigation. I strongly urge you to do all you can to defeat the legislation and continue to fight for the rights of working Americans.

Please do not hesitate to call me if I can do anything to help.

Sincerely,

JOHN C. DAVIS.

STATE OF NEW YORK,
OFFICE OF THE ATTORNEY GENERAL,
Albany, New York, February 7, 2005

Hon. BILL FRIST,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. HARRY REID, Minority Leader,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MR. MAJORITY LEADER and MR. MINORITY LEADER: On behalf of the Attorneys General of California, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oklahoma, Oregon, Vermont, and West Virginia, we are writing in opposition to S. 5, the so-called ''Class Action Fairness Act,'' which will be debated today and is scheduled to be voted on this week. Despite improvements over similar legislation considered in prior years, we believe S. 5 still unduly limits the right of individuals to seek redress for corporate wrongdoing in their state courts. We therefore strongly recommend that this legislation not be enacted in its present form.

As you know, under S. 5, almost all class actions brought by private individuals in state court based on state law claims would be removed to federal court, and, as explained below, many of these cases may not be able to continue as class actions. We are concerned with such a limitation on the availability of the class action device because, particularly in these times of tightening state budgets, class actions provide an important ''private attorney general'' supplement to the efforts of state Attorneys General to prosecute violations of state consumer protection, civil rights, labor, public health and environmental laws.

We recognize that some class action lawsuits in both state and federal courts have resulted in only minimal benefits to class members, despite the award of substantial attorneys' fees. While we support targeted effort to prevent such abuses and preserve the integrity of the class action mechanism, we believe S. 5 goes too far. By fundamentally altering the basic principles of federalism, S. 5, if enacted in its present form, would result in far greater harm than good. It therefore is not surprising that organizations such as AARP, AFL–CIO, Consumer Federation of America, Consumers Union, Leadership Conference on Civil Rights, NAACP and Public Citizen all oppose this legislation in its present form.

1. Class Actions Should Not Be ''Federalized''

S. 5 would vastly expand federal diversity jurisdiction, and thereby would result in most class actions being filed in or removed to federal court. This transfer of jurisdiction in cases raising questions of state law will inappropriately usurp the primary role of state courts in developing their own state tort and contract laws, and will impair their ability to establish consistent interpretations of those laws. There is no compelling need or empirical support for such a sweeping change in our long-established system for adjudicating state law issues. In fact, by transferring most state court class actions to an already overburdened federal court system, this bill will delay (if not deny) justice to substantial numbers of injured citizens. Moreover, S. 5 is fundamentally flawed because under this legislation, most class actions brought against a defendant who is not a ''citizen'' of the state will be removed to federal court, no matter how substantial a presence the defendant has in the state or how much harm the defendant has caused in the state.

2. Clarification Is Needed That S. 5 Does Not Apply to State Attorney General Actions

State Attorneys General frequently investigate and bring actions against defendants who have caused harm to our citizens, usually pursuant to the Attorney General's parens patriae authority under our respective state consumer protection and antitrust statutes. In some instances, such actions have been brought with the Attorney General acting as the class representative for the consumers of the state. We are concerned that certain provisions of S. 5 might be misinterpreted to impede the ability of the Attorneys General to bring such actions, thereby interfering with one means of protecting our citizens from unlawful activity and its resulting harm. That Attorney General enforcement actions should proceed unimpeded is important to all our constituents, but most significantly to our senior citizens living on fixed incomes and the working poor. S. 5 therefore should be amended to clarify that it does not apply to actions brought by any State Attorney General on behalf of his or her respective state or its citizens. We understand that Senator Pryor will be offering an amendment on this issue, and we urge that it be adopted.

3. Many Multi-State Class Actions Cannot Be Brought in Federal Court

Another significant problem with S. 5 is that many federal courts have refused to certify multi-state class actions because the court would be required to apply the laws of different jurisdictions to different plaintiffs—even if the laws of those jurisdictions are very similar. Thus, cases commenced as state class actions and then removed to federal court may not be able to be continued as class actions in federal court.

In theory, injured plaintiffs in each state could bring a separate class action lawsuit in federal court, but that defeats one of the main purposes of class actions, which is to conserve judicial resources. Moreover, while the population of some states may be large enough to warrant a separate class action involving only residents of those states, it is very unlikely that similar lawsuits will be brought on behalf of the residents of many smaller states. This problem should be addressed by allowing federal courts to certify nationwide class actions to the full extent of their constitutional power—either by applying one State's law with sufficient ties to the underlying claims in the case, or by ensuring that a Federal judge does not deny certification on the sole ground that the laws of more than one State would apply to the action. We understand that Senator Jeff Bingaman will be proposing an amendment to address this problem, and that amendment should be adopted.

4. Civil Rights and Labor Cases Should Be Exempted

Proponents of S. 5 point to allegedly ''collusive'' consumer class action settlements in which plaintiffs' attorneys received substantial fee awards, while the class members merely received ''coupons'' towards the purchase of other goods sold by defendants. Accordingly, this ''reform'' should apply only to consumer class actions. Class action treatment provides a particularly important mechanism for adjudicating the claims of low-wage workers and victims of discrimination, and there is no apparent need to place limitations on these types of actions. Senator Kennedy reportedly will offer an amendment on this issue, which also should be adopted.

5. The Notification Provisions Are Misguided

S. 5 requires that Federal and State regulators, and in many cases State Attorneys General, be notified of proposed class action settlements, and be provided with copies of the complaint, class notice, proposed settlement and other materials. Apparently this provision is intended to protect against ''collusive'' settlements between defendants and plaintiffs' counsel, but those materials would be unlikely to reveal evidence of collusion, and thus would provide little or no basis for objecting to the settlement. Without clear authority in the legislation to more closely examine defendants on issues bearing on the fairness of the proposed settlement (particularly out-of-State defendants over whom subpoena authority may in some circumstances be limited), the notification provision lacks meaning. Class members could be misled into believing that their interests are being protected by their government representatives, simply because the notice was sent to the Attorney General of the United States, State Attorneys General and other Federal and State regulators.

Equal access to the American system of justice is a foundation of our democracy. S. 5 would effect a sweeping reordering of our Nation's system of justice that will disenfranchise individual citizens from obtaining redress for harm, and thereby impede efforts against egregious corporate wrongdoing. Although we fully support the goal of preventing abusive class action settlements, and would be willing to provide assistance in your effort to implement necessary reforms, we are likewise committed to maintaining our Federal system of justice and safeguarding the interests of the public. For these reasons, we oppose S. 5 in its present form.

Sincerely,

Eliot Spitzer, Attorney General of the State of New York.

Bill Lockyer, Attorney General of the State of California.

Tom Miller, Attorney General of the State of Iowa.

G. Steven Rowe, Attorney General of the State of Maine.

Tom Reilly, Attorney General of the State of Massachusetts.

Patricia A. Madrid, Attorney General of the State of New Mexico.

W.A. Drew Edmondson, Attorney General of the State of Oklahoma.

Lisa Madigan, Attorney General of the State of Illinois.

Gregory D. Stumbo, Attorney General of the State of Kentucky.

J. Joseph Curran, Jr., Attorney General of the State of Maryland.

Mike Hatch, Attorney General of the State of Minnesota.

Hardy Myers, Attorney General of the State of Oregon.

William H. Sorrell, Attorney General of the State of Vermont.

Darrell McGraw, Attorney General of the State of West Virginia.

Mr. KENNEDY. Mr. President, I would like to anticipate some of the arguments that may be made by those who question whether cases based on truly local events would really be affected by the class action bill. Some have claimed that the bill will bring only national multi-State cases into Federal court, where they belong. They say it doesn't affect purely State cases, because it keeps class actions in State court if plaintiffs live in the same State as the defendant.

But in reality, the bill will move many State law cases to Federal court even if the people bringing the suit all live in the same State, and were hurt by a company doing business in that State. This is because the bill lets a case stay in State court only if the defendant is a ''citizen'' of the same State as the plaintiffs who brought the case, and companies are citizens of the State where they were incorporated, regardless of where they do business. As a result, plaintiffs who live in one State who file a case against a company with many offices in that State, would not be able to keep their case in State court if the company is incorporated somewhere else.

To show the scale of this problem, let's look at the figures. More than 308,000 companies are incorporated in Delaware, including 60 percent of Fortune 500 firms and 50 percent of the corporations listed on the New York Stock Exchange. Most of these companies also do business in many other States. But plaintiffs in those other States will not be able to file State cases against these companies without being dragged into Federal court. That violates the principle of simple fairness.

The bill lets corporations stay in State court when it's to their advantage. Businesses will still have their day in State court. But corporate employees whose civil or labor rights have been violated will be denied the same access.

Some have suggested that my amendment is not necessary because Federal courts have traditionally been protectors of civil rights.

It is true that our Federal courts perform the important job of protecting rights under Federal law and the U.S. Constitution. And my amendment will still allow those claims to be heard in Federal court. But in cases involving State civil rights or wage and hour laws, State courts should make these decisions. When States step ahead of the Federal government to give their citizens greater protection than Federal law—as several States have done in the area of genetic discrimination of discrimination based on marital status—State, not Federal courts, should interpret those laws. That is what my amendment would ensure.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I listened carefully to my friend and colleague from Massachusetts, and I do think he has a few things wrong. For instance, if the vast majority of the people bringing the suit are Massachusetts citizens, under this bill they have a right to bring it in State court, if they want to, although most civil rights cases are brought in Federal court because these are 14th amendment cases.

I remember years ago arguing on this floor on these issues, and, of course, the distinguished Senator from Massachusetts and others wanted these cases brought to the Federal courts because they were so afraid some of the State courts would not do justice in civil rights cases. They were right. They wanted them in Federal court. I do not blame them.

The Federal courts are made up of judges who are nominated and confirmed for life. Because of that, they should not have any political forces that would take them away from doing justice. In all honesty, nothing in this bill would stop Massachusetts classes made up wholly of Massachusetts citizens or even a majority of Massachusetts citizens from bringing these cases in State court, if they want.

One reason the Federal courts are so clogged is because of a wide variety of cases that are now being brought in Federal court, partly caused by people on both sides of the aisle. But there is no question Federal courts are not only good courts, by and large they are basically fair courts. And by and large they are basically very sophisticated courts. And by and large they apply, in these particular cases, the laws of the States in which the suits are brought—I might add, unless there are reasons from the Federal standpoint in applying otherwise.

Now, there is nothing in this bill that stops legitimate cases from proceeding. There is nothing in this bill that takes consumer rights away. There is nothing in this bill that will not give consumers or those who are injured a day in court. There is a lot in this bill to prevent some of the phony approaches that are taken by some in the legal profession who should be ashamed of themselves. This bill corrects those kinds of injustices, those kinds of excesses, those kinds of problems.

I urge my colleagues to vote against this carve-out amendment offered by my distinguished friend from Massachusetts, Senator KENNEDY.

This amendment excludes from the bill's existing jurisdictional provisions those class actions involving civil rights violations and class actions involving wage-hour disputes. But before I address the imprudence of carving out these types of cases, I would like to make it perfectly clear, as I think I have up to now, that S. 5 in no way impairs the substantive rights of litigants to bring, among other claims, civil rights and wage-hour claims. Some opponents of this bill seem ready to conveniently gloss over this critical fact in their efforts to pass bad information about what this bill does.

S. 5 is procedural in nature and simply moves larger interstate class actions to the appropriate forum where they belong in the first place: in Federal court. These class actions often involve the most money, parties from different States, and issues that transcend State lines. Yet by the same token, the bill preserves States rights to adjudicate truly local disputes on behalf of their citizens.

Now, those are facts. This bill does not take any rights away from anybody. But what we are trying to do is stop the forum shopping; in other words, finding jurisdictions that will render outrageous verdicts that basically benefit the attorneys, the lawyers, not the people for whom they are suing.

Well, let me say, first, an affirmative exclusion of civil rights cases from Federal jurisdiction runs counter to the bedrock principles of encouraging our Federal courts to adjudicate civil rights disputes. I remember, in days gone by, there was a demand that these cases be in Federal court because they are courts of primary jurisdiction under the Constitution and because, as a general rule, more justice was done.

I think this principle speaks for itself when you look at the plethora of Federal civil rights statutes extending protections against employment, housing, race, and gender discrimination. That is just to name a few. Indeed, the Federal courts' involvement with civil rights is so pervasive that Federal courts routinely hear claims brought under State civil rights laws. This is not unusual.

The Federal judiciary's extensive involvement in civil rights matters has also led to favorable results for civil rights litigants. Honest litigants are not going to lose in Federal court. It is just that simple. And they are probably more greatly protected because there is naturally less politics in Federal court.

Federal courts have a long record of certifying discrimination class actions and approving generous settlements in most of these cases.

Take, for instance, the recent Home Depot gender discrimination settlement which paid class members somewhere in the neighborhood of $65 million or the $192 million Coca-Cola race discrimination settlement in which each class member was guaranteed a recovery of at least $38,000 in cold hard cash. And, of course, there is the recent Federal court certification of the largest civil rights class action in U.S. history involving 1.6 million former and current female employees of Wal-Mart.

These are successful, proven results that belie any claim that Federal courts are somehow hostile to civil rights actions. In fact, it is laughable to now say that we have to have these in State courts when all these years we have been working hard to get these cases to Federal court so they would be adjudicated more fairly.

Some of those who support a civil rights carve-out also contend the Federal courts are overworked and incapable of handling such matters, that the State courts are better equipped. Give me a break. We have heard this concern raised repeatedly from opponents

of this bill who apparently believe that if they say it enough times, the proposition may somehow turn out to be true and, at the very least, to minimize the significant deficiencies in our State courts. These critics claim that it takes 5 years to get a class action to trial in Federal courts. But do they have the raw data to back these claims? Of course, they don't.

In reality, the median time for final disposition of a civil claim filed in Federal court is 9.3 months, and the median time to trial in a civil matter in Federal court is 22.5 months. Moreover, what some of the critics hide is the fact that the State courts have experienced a much more rapid growth in civil filings than have the Federal courts. Civil filings in State trial courts of general jurisdiction have increased 21 percent since 1984, and there are delays in many State courts on civil actions that are longer than they are in Federal court.

As for filings in some of the more notable magnet State court jurisdictions, let's look at some of the figures. Just look at this chart. The number of class actions filed in State courts have skyrocketed in State courts under current law. Take Palm Beach County, FL. It has gone up 35 percent between 1998 and 2000. In Jefferson County, TX, a notorious jackpot jurisdiction, it has gone up 82 percent. In Madison County, IL, another notorious jackpot jurisdiction—in other words, a jurisdiction where defendants don't have a chance because of politics and moneys donated to judges from the trial lawyers in that particular jurisdiction, primarily—over 5,000 percent between 1998 and 2003. Why? Because it is a county that is out of whack. If the plaintiffs' attorneys can get cases in Madison County, they are going to get big verdicts, outrageous verdicts for people who aren't even sick, people who don't even have problems in some cases.

The overall increase in State courts is 1,315 percent. So don't use that argument. If you add the fact that State courts are almost always courts of general jurisdiction where they hear matters ranging from traffic violations to domestic disputes, I think you get a pretty clear picture of what our State courts are faced with in terms of workload.

As a final point, I would like to note that the Judiciary Committee soundly defeated this very amendment of the distinguished Senator from Massachusetts during markup last Congress. We reported the bill in a bipartisan 13-to-5 vote in this Congress. The committee voted against the civil rights carve-out on a solid bipartisan basis and understood the inherent problems with this amendment. This amendment lost footing in committee and should not gain traction here.

The second carve-out excludes wage and hour or timesharing claims from the bill. These are actions brought by employees against their employers for violating wage and hour restrictions imposed under applicable labor laws. While these actions are certainly important for working Americans, there is no principled basis to exclude them from this bill, not one principled reason.

Again, let me be clear about S. 5. This bill in no way affects the substantive rights of these workers to seek redress for these wage and hour claims. In other words, employees who bring wage and hour claims against their employers will still have the exact same rights they do now if this bill is enacted. The only way the bill could possibly affect these cases is by moving them to Federal court. But what the proponents of this amendment overlook is that if a wage and hour case meets the interstate criteria of the bill, then there is absolutely no reason to exclude them from Federal court. It makes no difference if the case involves a defective product, a false advertising claim, or a breach of warranty. If the class action lawsuit involves parties from different States and involves a large amount in controversy, regardless of whether the claims are predicated on State law, then the case should be heard in Federal court. This is why we have diversity jurisdiction in the first place, and it is certainly what the Founding Fathers had in mind when they drafted our Constitution.

I urge my colleagues to vote against this amendment. It establishes bad policy and is nothing more than yet another attempt to weaken the bill. This amendment, including all other carve-outs, for that matter, also flies in the face of the bipartisan compromise that is now embodied in S. 5. I intend to honor this compromise and encourage my colleagues to do the same.

Let me just say, it is unseemly to claim that the Federal courts are not as good as the State courts. And it is even worse to claim that the Federal courts should not have jurisdiction in these matters. The fact is, we have provided through the Feinstein amendment language that permits certain cases to be in State courts. But when they get to the size of the 100 or more in a class and over $5 million, these cases have to be brought in Federal court. And the reason is because of these jackpot jurisdictions that I have been pointing out that really do not do justice and are not fair.

Earlier, the distinguished Senator from Illinois was talking about how few cases are filed in Madison County, IL. What he doesn't tell you is that the minute the lawyers start talking about a class action and they send a demand letter, the companies know they are dead if the case is brought in Madison County, IL. No matter how right they may be, they are dead because the judges in that particular jurisdiction are in the pockets of the local lawyers with whom the out-of-State lawyers who have these class actions align themselves in order to go in there and get these outrageous verdicts that would not be obtained in any fair court of law.

So what do the companies do? They have no choice. They will settle for what they estimate the defense costs to be because why should they take a chance on jackpot justice? And it then becomes, in the eyes of many, a broken system of extortion, extortion by attorneys, extortion by the judges over companies that probably have little or nothing to do with Madison County, IL, but because of the current system, wind up there, either getting staggered with unjust judgments or doing what prudence tells them they have to do, and that is paying whatever they estimate the defense costs to be to get rid of the lawyers. It comes as close to legal extortion as anything I have seen.

That is what we are trying to solve here. It doesn't take away anybody's rights. It just means they will have to prove their case in Federal courts. And Federal courts are very competent courts. Judges are appointed for life. They are less political, although every once in a while you see some politicization of Federal court, but nothing like these jackpot justice jurisdictions that are constantly used by some of these unscrupulous lawyers to get outrageous verdicts so they can collect great big fees.

Yesterday, we talked about coupon settlements—the lawyers get huge fees and the person winds up with a $5 coupon that is meaningless. That doesn't mean that some of these cases are not valid, but they could just as easily be won in Federal court, if they are valid, as they can in State courts, but not as easily as in these jackpot justice jurisdictions where justice is denied. We can throw around big corporations all we want, but businesses in this country are not all big and, even if they are, they deserve to be treated justly.

That is what our court system should be doing. It should not discriminate against them because they are large corporations. If they are fair and right, they should be treated just as fairly and rightly as anybody else.

We have come close on this bill now a number of times, very close. In November of 2003, we struck a deal that gave the Class Action Fairness Act the requisite number of votes to pass even if the bill was filibustered. We got the votes, guaranteed up to 62. It was a bipartisan compromise that allowed us to reach this commonsense agreement. Believe me, this compromise does not satisfy everybody or, for that matter, doesn't satisfy anybody.

The fact is, it is what it is—a bipartisan compromise. If I would be permitted to write the bill the way I think

it should be done, I think it would be perfect, and others in this body would feel the same way. But we have worked out this bipartisan compromise and we need to stick with it.

Senator CORNYN explained this morning why he believes the bill should go further in correcting abuses in the current system, and he explained how he would fix some of these problems legally. He is not wrong, by the way. He also said he would not advance these amendments at this time because he understands the complex dynamics in arriving at the compromise bill. We have been at this for the last 6 years. That is how long we have tried to get this bill through. This bill is not perfect, by any stretch of the imagination. No bill is around here, because we have to work with 535 Members of Congress. Depending on your perspective, this bill either gave away too much or not enough.

The fact is, this bill is just about right and it is time to get it done. We know we should get it done. A supermajority of those in this body should get it done. But nearly a year and a half after we struck a deal to get it done, a series of amendments are still being offered that would scuttle this bill and, unfortunately, the amendment by the Senator from Massachusetts happens to be one of them. Let us get down to the brass tacks. It is rug-cutting time. If any amendments upset the essential compromises that have been negotiated over a long period of time, this bill will not become law. The purpose of these amendments is not to improve the bill but to destroy it. The House of Representatives will not agree—they have made it super clear—to a bill that includes amendments that gut this bill's modest and reasonable reforms. I have to say I don't blame them. They have seen this process for the last 6 years. The American people have waited for this reform for far too long. I should remind my colleagues that if we fail our constituents at this time, the memory of the American people is a long one.

I will speak today about a number of amendments that will likely be offered. In my opinion, and in the opinion of those most familiar with the bill, these amendments are poison pills, and everybody knows it. These amendments were not part of our discussions with Senators SCHUMER, DODD, and LANDRIEU that resulted in the current bipartisan legislation. I don't mean to limit it to them. There were a whole raft of Senators on both sides of the aisle.

I will repeat that for emphasis. We had a deal. None of these amendments were part of this deal. What happened to the days when a deal was a deal? These amendments are quite literally being offered at the eleventh hour and I think for a purpose other than to improve the bill.

Let's be honest about it. Consumers, plaintiffs, and others who have rights are not going to be foreclosed from vindicating their right in a court of law. It is just that they are not going to be able to take these cases—and certainly outrageous cases—to these jackpot justice jurisdictions where justice is denied any longer—except under some loophole exceptions in this bill. But the vast majority of the problems should be solved by this bill. There are a lot of people out there who have been very badly mistreated because of the current broken tort process, who are praying we will be able to get this bill through.

Let me make this clear. If we add one of these amendments, I think the bill is dead again, even though it has had 62 prime sponsors—people who will automatically vote for this bill and who understand the game here is to get a bill out that will do some justice in this country and stop some of the jackpot justice that has been going on.

I don't mean to denigrate anybody's amendment, but let's be fair and make it clear that this bill does not take away rights. This bill enhances rights for both sides, and not just for plaintiffs but also for defendants. So fairness in the tort system will be brought back to the forefront. In the case of civil rights and wage-and-hour disputes, look, for years we have argued they should be in Federal court. Now, all of a sudden, they don't want them in Federal court. All you can do is surmise: why is that? I think everybody knows why.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, it is always a pleasure for me to hear Senator HATCH discuss legal issues. He has had great experience with them over the years, in the long time he has served on the Judiciary Committee and as a lawyer in his own right. I think he summed up the situation we are in and I thank him for doing so.

Actually, I believe that those who are seeking class action reform have been very generous in reaching out to people who had some doubts to try to gain their votes in support, to make sure no one is hurt in any unfair way through the passing of this legislation. We are now at a point where the time has come for us to pass class action reform.

I do not believe, and have never believed, we should be in the business of eliminating class actions. They are not a bad thing in themselves. Class actions, in fact, serve an important purpose. In many instances, they are the only viable form of relief, where an individual has claims that are so small it would not be economically feasible for an attorney to take an individual's case; but maybe thousands of people have been unfairly treated in the same manner and an attorney can bring one case and everybody can be compensated and the system can work very effectively. That is the whole theory behind class actions. It has always been a good process under certain circumstances, but we have always known it could also be abused. For the most part, I think Federal courts have done a good job handling those cases. Many State courts have done a good job of handling those cases, but is now a pattern by which some attorneys have learned to pick and choose States, even counties, where there may be only one judge, and they know how that judge thinks about these cases, and they file the class action lawsuit there. The fact is that most nationwide class actions can be filed anyplace in America—it makes sense that lawyers, therefore, chose to find the most favorable forum they can find in the entire United States. That is selective choice of forum. There are other problems that arise with class actions, problems which have been around for a long time. We have come to understand them and we need to do something about it. We can do something about it. It is the right thing to do. It will improve our system of justice.

The Class Action Fairness Act does not close doors to class action plaintiffs; rather it opens doors to fairness in this entire process. I agree with those who have said that the bill does not go far enough. I think there are going to be many opportunities for clever attorneys to draft complaints and conduct their litigation in a way that would avoid being covered by this act, when in fact they ought to be covered by this act. Senator CORNYN has made a number of those suggestions, and I have made some of those suggestions. But the perfect, as they say, can be the enemy of the good.

An agreement has been reached that people feel comfortable with. I have been prepared not to offer a lot of amendments so we can get this bill to final passage and quick approval and end the years and years and years of debate on this matter that we know we ought to deal with.

As you look about and review what you hear and see who is making comments on it, some of the things your read on the issue appeal to you. Let me tell you about a Washington Post editorial I read a few years ago that summed it up the class action issue quite well. Politically, the Washington Post is a Democratic paper, a liberal newspaper. But their editorial writers made some very important points that I agree with. They said this:

> Congress' first priority in the world of civil lawsuits should be to change the rules of class actions.

In other words, of all of the problems we have in litigation, the one this Congress ought to deal with first is class action lawsuits.

When working properly, class actions are an important component of the American legal system, one that allows efficient court consideration of numerous identical claims against the same defendant.

In practice, no component of the legal system is more prone to abuse.

Their analysis is that there is no component of the American legal system more prone to abuse than class actions.

For unlike normal lawyers who are retained by people who actually feel wronged, class counsel, having alleged that a product deficiency caused some small monetary damage to some discernible group of people, largely appoint themselves.

In other words, a lot of people have difficulties, and the class action lawyer may discover what he thinks is a wrong. Then he appoints himself to be the righter of that wrong. Then he goes out and identifies a class. He does not talk to the individual clients, as lawyers do in a normal situation; he appoints himself to take on these cases.

The clients may not even be dissatisfied with the goods and services they bought.

They may not be unhappy at all.

But unless they opt out of a class whose existence they may be unaware, they become plaintiffs anyway.

I heard a Senator recently say he was involved in a class action, and the person who was being sued was a friend, and he did not even know he was involved.

Continuing to quote:

Class actions present almost infinite venue shopping.

Infinite venue shopping, that is what I was saying. We have had lawsuits filed in Alabama. We have seen identical lawsuits filed in Mississippi. We have seen them filed in Madison County, IL. Why? Because a plaintiff in a large action that involves people throughout the United States under current law can choose their place to file the lawsuit. When they get an appeal, it goes to the State of Illinois, Mississippi, or Alabama's appellate courts, their supreme court, for final review. That is a legitimate concern and a matter that impacts people throughout the United States.

National class actions can be filed just about anywhere, and they are disproportionately brought in a handful of State courts whose judges get elected with lawyers' money.

This is the Washington Post I am quoting. It is the same thing Senator HATCH indicated earlier. It is the reality, unfortunately.

These judges effectively become regulators of the products and services produced elsewhere—

Not even in their county or State—

and sold throughout the Nation. And when cases are settled, the clients get token payments while the lawyers get enormous fees.

I am continuing to quote from the Washington Post:

This is not justice. It is an extortion racket that only Congress can fix.

That is, unfortunately, the sad truth too often.

Some years later now, Senator FRIST has made this Class Action Fairness Act his first civil lawsuit priority. I know there are some who see this bill as a moving train and they would like to add this or that provision as a caboose to that train, but I hope we will exercise restraint and pass a clean bill without amendments.

I know some have legitimate concerns and others want to put on poison pills. They want to adopt amendments that will cause so much controversy that it can end up killing the entire bill. In my view, anything that does not make this bill stronger is a poison pill. We do not need to, and must not, weaken this bill in any way. I have seen very few amendments that are being offered that will make it stronger.

I believe in America's legal system. The Senator from Florida, the Presiding Officer, believes in our legal system. He believes in the right of people to sue in court and have redress for all and has given a lot of his professional life to that cause. But for the most part, we do have outstanding judges on Federal and State benches. They manage their dockets well and rule justly. There are some problems, however, that Congress must resolve. The class action problem is certainly one of them.

To the extent possible, I believe that the courts have reached a limit on what they can do through judicial interpretations to resolve the issue. There was a time when ''drive-by'' class action certifications were par for the course, and class actions were certified without notice being given to the defendant even. Those times, have been eliminated for the most part by judicial ruling, in part, I believe, because of the Supreme Court decision in the Amchem case where the Court made clear that even in conditional certifications, rigorous analysis is required to certify a class and must be conducted.

This ruling had far-reaching implications and limited the ability of plaintiff lawyers and the defendant companies to engage in collusion to the detriment of whom? The class. Don't you think in these odd cases where the lawyer does not even know the members of the class he represents that ethical concerns are implicated? The situation simply is this: You sue a big company, you allege lots of problems, you talk with their lawyers, and a wink and a nod occurs and you say: We will give coupons to the people I am alleging to be victims, but you have to compensate me as a lawyer for all this time I have spent in it; how about $10 million?

The defendants go back and say: If we pay the lawyer $10 million and we pay the coupons to these people—most of them will never use them—this will get us out of the lawsuit. Yes, it is too much money to pay the lawyer, but we will get it over with. Let's do it.

Who is looking out for the class members, the people in whose name the lawsuit was brought? The answer is no one.

These problems, unfortunately, are not currently subject to being settled by the courts or handled by the courts. I believe this legislation will take a strong step toward fixing that kind of problem.

There are some who will argue that reform is not needed and this legislation is even unfair. Let me ask this: Is it fair to be a member of a lawsuit of which you are unaware and do not even know you are a party to it? Is it fair to receive a coupon settlement that basically requires you to do business with a company that presumably cheated you in the first place? Is it fair to lose money even though you prevail in the underlying lawsuit? And there have been instances—cases such as the infamous Bank of Boston case—where plaintiffs, not even knowing they are a member of the lawsuit, have had their bank accounts debited to pay for their portion of the attorney's fees—sometimes their portion of the attorney's fees is much more than the small coupon or monetary amount they received as part of the settlement. That is simply not right.

These questions of fairness represent the current status of many class action lawsuits. In my view, there is nothing fair about the answers we just mentioned. When we approved modifications to rule 23 not too long ago, one of the primary goals was to ''assure adequate representation of class members who have not participated in shaping the settlement.'' After all, if the settlement is going to bind the class member, it would seem they should not only be adequately represented, but they would be aware of the terms of that settlement and the compromises that were involved in making the settlement. We can achieve fairness and several other logical goals such as that with this Class Action Fairness Act.

That class actions are beneficial is not in doubt. They serve to the benefit of America by limiting the number of times you have to try the same issues in separate places, in differ courts with different judges.

They serve the interests of consistency and finality by avoiding inconsistent outcomes in separate trials where the cases revolve around identical claims. They are to serve the interests of the class members, however, but that is, in fact, not the outcome of too many of these cases and therefore we need to reform this system.

So what we would strive to do with this legislation is to make the plaintiffs the real beneficiaries of such a lawsuit. It will provide protections to class members, such as limiting the

ability to award coupon settlements and preventing class members from being harmed twice, once by the defendant company, and the second time by class action settlement.

I believe we can make some great progress with this legislation if we keep it clean. I hope we can exercise restraint and that we can do just that.

Some have said Federal Government has no business with these lawsuits. As a person who does believe that States have constitutional rights and they have presumptions that cause us in Congress to be reluctant to violate either explicit constitutional requirements or to violate maybe presumptions or indications or contemplations of the Constitution, I am extremely cautious about expanding federal jurisdiction in Constitutionally questionable ways. But I do not believe this bill expands federal jurisdiction in any way that is Constitutionally questionable. I would like to read what the Constitution says about diversity and where a case of this kind should be tried. Article III, section 2 of the Constitution, talks about the power of Federal courts and what their jurisdiction is. This is the power given to Federal courts by the U.S. Constitution at the beginning of our Republic. It states: ''The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution''—disputes of the Constitution—''the Laws of the United States . . .''—involving laws that we passed explicitly in Congress to Controversies to which the United States shall be a party; to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States . . .''

So our Founding Fathers thought seriously about this and stated in the Constitution that if there is a lawsuit filed between people from different States, there needs to be a neutral forum in which to try the case. If there is a person from Alabama and a person from Massachusetts suing one another, the person from Massachusetts might not feel comfortable being tried in Alabama, and the person from Alabama might not feel comfortable being tried in Massachusetts. That is what they put it in there for.

The home State plaintiff would always want to choose a more favorable forum. Perhaps he would choose his own State, would he not? That is what our Founding Fathers were concerned about.

In football, we call it ''home cooking.'' The Founders sought to prevent ''home cooking'' of lawsuits by putting Federal jurisdictional rules into the Constitution for these kinds of cases. Cases involving citizens of different States were intended from the beginning to be tried in Federal court where judges are not elected but serve lifetime appointments and are answerable to the U.S. Supreme Court, not to any one State court. That is the theory and it is important.

There are counties in Alabama where I personally know all the judges. I go to church with some of them. So if I am going to sue somebody, I am likely to choose a place where I would have the man who is in my church supper club try my case. Well, maybe they will strike him for cause, but what about his brother, who could also be a judge? My friend who is a judge might say to his brother: Jeff is a good boy, make sure you give him a fair trial. Whether we like it or not, these kinds of things are reality, and that is what the Founders had in mind when they wrote the Constitution. That is why when there is a group of plaintiffs being represented by a lawyer that may not even know their names, this lawyer is going to look around and try to file the case where he thinks he can have the best chance of success.

As a matter of fact, I do not even dispute him or her making that choice. That is what lawyers are paid to do, to find the best place to file the lawsuit.

That is taught in law school. They ask, well, where do you want to file a lawsuit?

Well, I think it would be better to file in Federal court.

Then one is taught to study the case and justify filing it in Federal court. Or maybe a lawyer thinks it is better for his client to file it in State court. Lawyers are taught they should file the case where it is best for their client. I do not blame the lawyers. They are using the law as we have now configured it.

I say it is our responsibility to look at the judicial system. If we love it and care about it, respect it, and want it to be better, we will continue to look at the legal system, and if the legal system has a problem, it is our duty to examine how to fix it.

We have spent years now determining how to fix class action problems. We have a bipartisan coalition in this Senate that has come together and is prepared to support this legislation. I say let us do it. Let us observe how the system is working. From that observation, we can realize that it can be made better. Let us step up to the plate and fix it.

I thank the Chair and the Senator from Utah. It is a pleasure to work with him, Senator GRASSLEY, and Senator SPECTER, who have all worked so hard on this legislation.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I notice the distinguished Senator from Wisconsin is in the Chamber, but I would like to make a few more remarks if he does not feel too badly about it.

I support this bill. I have been working on it for 6 years. It is a grand compromise. We have Democrats and Republicans. It is bipartisan. It is not perfect, but it is as good as we can do and it will do an awful lot of good.

The evidence is clear and undeniable; the well-documented abuse of the class action litigation device too often ends up victimizing plaintiffs, the very people that class actions are supposed to benefit.

These abuses cheat millions of consumers who unwittingly have their legal rights adjudicated in local courts thousands of miles away. They deny the due process rights of defendants who are relentlessly hauled into a handful of small county courts where the playing field is unfairly tilted in favor of the personal injury bar, the plaintiffs' bar.

If that were not enough, class action abuses are eroding public confidence in our civil justice system. When abuses do occur in the class action system, the public can ultimately pay dearly through spiraling prices, lost jobs, and even bankrupt companies.

I have been listening to arguments from the other side, but to give the class action problem some perspective, I want to consider just the effect of this litigation in one locale, Madison County, IL. There we find a case study in rampant misconduct within the class action system, its corrupting effect on the courts, and the desperate need for reform.

This small county in the southwestern part of that State provides all the evidence necessary to convince anyone that the legal system is currently being exploited by shameless and self-seeking plaintiffs' lawyers. Madison County, IL is a rural county. I imagine it is the type of county where maybe Abraham Lincoln first got his start as a young lawyer and an advocate for justice.

In some notes perhaps taken in preparation for a law lecture around 1850, Lincoln set the ideal for his profession, a profession practiced by many in this Chamber, including myself.

No. 1, ''Discourage litigation . . . Point out how . . . the nominal winner is often a real loser—in fees, expenses, and waste of time.''

No. 2, ''Never stir up litigation. A worse man can scarcely be found than one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defective titles, whereon to stir up strife, and put money in his pocket? A moral tone ought to be infused into the profession which should drive such men out of it.''

And No. 3, ''An exorbitant fee should never be claimed.''

These words were uttered during a time when being a lawyer automatically carried with it a title of honor, integrity, and trust.

Unfortunately, Lincoln's words no longer carry much meaning for some of the lawyers who have descended on Madison County. In the land of Lincoln, the rule of law has too often been

corrupted almost beyond recognition by self-interested plaintiffs' lawyers and seemingly pliant public officials. Some unscrupulous personal injury attorneys go forum shopping to find friendly jurisdictions. Certainly Madison County, IL is one of them.

Then some judges in those jurisdictions, some of whom are compromised by campaign contributions from the very same law firms arguing in their courtrooms, sometimes certify these cases with the proverbial rubber stamp, even though they are not worthy of being certified.

Finally, sympathetic local juries trying out-of-State corporations have sometimes bestowed unjustified and sometimes outrageous awards. This pattern of behavior is not only an affront to the due process rights of defendants, but it breeds disrespect for the rule of law itself.

I have heard colleagues on the other side of the aisle say, 'Well, these are big corporations.' First, they aren't all big corporations, and second, even if they were, they still deserve fair treatment, due process, and an impartial justice system.

And make no mistake about it. These suits are not free. We all pay for them. The American consumer pays for the costs of these class actions.

The courthouse in Madison County, IL is what scholars now describe as a magnet court. Always on the lookout to find suitable venues for enriching themselves, entrepreneurial plaintiffs' attorneys—many of whom practice in the field of personal injury—are sucked into its orbit. The numbers alone tell the story. Over the last 5 years the number of class actions filed in the county has increased by 5,000 percent.

Let me repeat that so that astronomical figure can sink in. A 5,000-percent increase. It almost defies logic that so many national class actions are being brought in this small rural county.

In 1998, there were only two class actions filed in this county. In 2000, that number rose to 39. In 2001, there were 43 new class actions. One year later, the bridges leading to the riches of Madison County were clogged with carpetbagging lawyers as word hit the street that the local court there was giving away money as though it was Christmas morning. Enterprising plaintiffs' lawyers looking to make a quick buck knew Madison County was the place for business.

In 2004, 77 class action suits were filed. In 2003, there were another 106. Between 1998 and 2003, the number of class actions in the county rose from 2 to 106 per year. In the last 4 years, the lawyers who flocked to Madison County succeeded in having the following cases certified.

All Sprint customers in the entire Nation who have ever been disconnected on a cell phone call. That is a class action in Madison County.

Every Roto-Rooter customer in the country whose drains might have been repaired by a nonlicensed plumber.

All consumers who purchased limited edition Barbie dolls that were later allegedly offered for a lower price elsewhere.

These are just three examples of the abuses that are going on.

I know my friend from Illinois, the minority whip, Senator DURBIN, is understandably protective about the state of affairs in Madison County. He points out that while many class actions are filed in Madison County, few are certified. It does not take a lot of cases like the ones I talked about to create an environment that encourages cases that are marginal at best. Through their increased filings, class action attorneys tell us a great deal of what we need to know about Madison County. That many of these cases are settled upon filing or even before they are filed tells us a lot. A demand letter from a class action attorney with a Madison County address is a dreaded piece of correspondence for any company or any defendant. If these types of cases were not such a drain on our economy, it would almost be easy to laugh at some of these cases.

We question the efficiency and fairness of a small county courthouse in Illinois adjudicating cases against national companies involving various State and Federal regulations and involving millions, if not billions, of dollars in settlements where neither the majority of plaintiffs nor the defendants are typically residents of the county. These locally elected judges, with the close assistance of interested plaintiffs' attorneys, in effect set policy for the entire Nation, defying the principles of self-government on which our Federal system is based.

This situation is a colossal mess, and a few plaintiffs' lawyers are exploiting it to the hilt, and giving all of us who love the practice of law a bad name.

The same five firms appeared as counsel in 45 of all cases filed between 1999 and 2000. Of the 66 firms appearing in these cases, 56 of them—85 percent—had office addresses outside of Madison County.

In this small county, with a population of only 259,000, there are somehow more mesothelioma claims from asbestos exposure than in all of New York City with its population of better than 8 million. One nine-member firm with an office in Madison County claims to handle more mesothelioma cases than any firm in the country.

Who benefits from all of this litigation? One Madison County judge approved a $350 million settlement against AT&T and Lucent for allegedly billing customers who leased telephones at an unfair rate. What did the lawyers get? Forty-four lawyers from four firms will split $80 million for legal fees and $4 million for expenses. And the customers? They actually lost money. After their legal fees, the average class member got hit for $6.49.

Think about that.

Lincoln's principles are a distant memory in Madison County. The Washington Post succinctly described the situation. ''Having invented a client, the lawyers also get to choose a court. Under the current absurd rules, national class actions can be filed in just about any court in the country.''

And those lawyers often pick Madison County. They are picking it because it is what some call a magic jurisdiction.

Let me refer to this chart, called ''Magic Jurisdictions.'' This is Dickie Scruggs, one of the best plaintiffs' lawyers in the country, a man I have great respect for. But in a luncheon talk on the asbestos situation at a panel discussion at the Prudential Securities Financial Research and Regulatory Conference on May 9, 2002, he had this to say. This is Dickie Scruggs. You can believe him. This man understands the litigation field. He is a billionaire from practicing law. He said:

> What I call the ''Magic Jurisdictions'' is where the judiciary is elected with verdict money. The trial lawyers have established relationships with the judges that are elected. They are State court judges. They are populists. They have large populations of voters who are in on the deal. They are getting their piece, in many cases. And so it's a political force in their jurisdiction and it's almost impossible to get a fair trial if you are a defendant in some of these places. The plaintiff lawyer walks in there and writes the number on the blackboard, and the first juror meets the last one coming out the door with that amount of money. The cases are not won in the courtroom. They're won on the back roads long before the case goes to trial. Any lawyer fresh out of law school can walk in there and win the case, so it doesn't matter what the evidence or the law is.

That is one of the leading plaintiffs' lawyers in the country. He was honest enough to call it the way it is in Madison County. Madison County is not the only jackpot jurisdiction, but I am concentrating on it since the distinguished Senator from Illinois has focused his remarks on our criticism of this jurisdiction.

Dickie Scruggs is a fine lawyer. I have said that. I worked with him on the tobacco settlement. He and Mississippi Attorney General Mike Moore did a good job for their clients and the American public. I am very familiar with what they did. I am familiar with the Castano Group as well, which risked millions of dollars to bring the tobacco suits. They had an entire multifloor building filled with documents they accumulated at the cost of millions of dollars to make their case in the tobacco suits.

Dickie Scruggs is a fine lawyer. So is Mike Moore. So are the Castano Group lawyers.

Having said that, there is a reason the Super Bowl is held at a neutral

site. It is clear that Madison County is not a neutral site. When it comes to class action defendants trying a class action case in Madison County, it is like shooting fish in a barrel.

Dickie Scruggs is simply too good of a lawyer to need any unfair advantage and that goes for the vast majority of plaintiffs' attorneys in our country. But there are a minority of lawyers who are causing the vast majority of our problems.

What makes for a magical jurisdiction? In a magic jurisdiction, the supposedly objective judges and jury, all stand to gain from a settlement. Madison County, as the Chicago Tribune notes, is a jackpot jurisdiction where local newspapers ''sport advertisements looking for the local plaintiff that can provide a convenient excuse to file.''

Some have concluded that this choice of venue might have something to do with the fact that in recent years the elected judges of the circuit court of Madison County have received at least three-quarters of their campaign funding from the lawyers who appear before them in these class action suits. In a simpler time, the State court would only certify a class if there was a substantial local connection. Some of the judges in Madison County have created an environment where a lifelong resident of Washington State, who worked in Washington, was allegedly exposed to asbestos in Washington, never received medical treatment in Illinois, and had no witnesses in Illinois to testify in his behalf, actually thought it was worth a shot to bring suit in a strange town halfway across the country. What was his connection to Madison County? He vacationed in Illinois for 10 days with his family nearly 50 years ago.

In this case, the court did the right thing and refused to certify this man's claim. But that a lawyer would even consider bringing it shows how far gone Madison County is. So far, the Illinois Supreme Court has taken the extraordinary step of rebuking it. As legal ethics professor Susan Koniak of Boston University School of Law explains:

> Madison County judges are infamous for approving anything put before them, however unfair to the class or suggestive of collusion that is.

This is not justice. This is a travesty. The St. Louis Post-Dispatch, one of this Nation's great newspapers, has followed this epidemic of litigation closely. They describe the run on the Madison County courthouse as resembling ''gleeful shoppers mobbing a going out of business sale.''

Due process itself is corrupted by this circus. What is going on in Madison County too closely resembles legalized extortion in the eyes of many observers. The deck is stacked against these companies hauled to Illinois to answer these charges. The cases are sometimes heard on an expedited basis. Under these pressures they are typically given an offer they cannot refuse. Once the class is certified, they feel compelled to settle, regardless of the merits of the case. The risk of loss is simply too high. They do not even have to wait until the class is certified. They know that in most cases the class will be certified by the judges of Madison County. A simple demand causes many companies to say, 'let's buy out of this for the lowest price we can, even though we do not owe them a dime. We will just settle for the attorney's fees.' These settlements are to the detriment of legitimate claims.

The class never has to be certified. No self-respecting lawyer will want to try a case in a county where the deck is totally stacked against his client. And so they settle.

Let us be clear, these are not truly local disputes.

S. 5 does nothing to remove local disputes from local courts. The suits we are talking about in Madison County and other jackpot jurisdictions are on behalf of nationwide classes of clients against corporations that do business in every State. Madison County is not chosen as the venue because of its quaint scenery. It is chosen because defendants in these class actions often do not get a fair shake in Madison County.

This is not a triumph of federalism and local decisionmaking. It is the evisceration of federalism and fairness. A bedrock principle of our federal system is that states are largely free to regulate their own particular affairs. To allow one State, in effect, to legislate for another is to violate an important principle of self-government that this country is built upon. Madison County has been flooded with class action claims and now the Nation is drowning in them. This is a classic case for Federal intervention. In fact, this is a case study for the type of intervention in Federal affairs the Constitution was meant to allow.

What happens in Madison County affects the whole country. The overwhelming majority of class actions filed in Madison County are nationwide lawsuits in which 99 percent of the class members live outside the county. As a result, decisions reached in Madison County courts affect consumers all over the country and the county's elected judges effectively set national policies on important commercial issues.

There is a place for personal injury law in the American justice system. I understand that. I am an attorney. I have tried many cases. I know that there is a legitimate and honest place for personal injury suits in our civil justice system. Americans have a sacred right to take their case to court when they are harmed by a person or product. Yet this right is seriously undermined by a seriously compromised class action regime. To help rescue it, we need to enact this reform. Today's lawyers do not take cases that come to them. They invent cases. They behave more like entrepreneurs than counsel, trying to find an issue and income stream before they find a plaintiff. They act like businessmen—the CEOs of Trial Lawyers, Incorporated.

The problem is that their business plan makes hash out of our system of impartial justice. It simply defies belief that county courts are the proper venue for multijurisdictional litigation. Some of the plaintiffs' bar have put a ''pay the lawyer first'' business model in motion in Madison County. First, find sympathetic judges. Then bankroll their campaigns. And to seal the deal, move the case through the system so fast that the defendants do not always get a fair opportunity to fully investigate the claim. Justice does demand fairness, but our system of decentralized class action litigation is fundamentally unfair to defendants, plaintiffs, and the average American who ends up footing the bill for the unjustified billion-dollar settlements.

If this were a board game, it would be ''Class Action Monopoly.'' Start at 'Go', and come up with an idea for a lawsuit. Find a named plaintiff to pay off. Make allegations, no proof needed. Get out of rule 23, the Federal rule 23, free. Convince your magnet State court judge to certify the ''class.'' File copycat lawsuits in State courts all over the country. Sue as many companies in as many States possible even if they have no connection to the State.

Who gets the money? In the Columbia House case, $5 million for lawyers, discount coupons for plaintiffs. In the Blockbuster case, $9.25 million for lawyers, free movie coupons for plaintiffs. In the Bank of Boston case, $8.5 million for lawyers; some claimants even had to pay themselves.

But ''What happens to me?'' Your employer takes a hit, maybe lays you off. Your health and car insurance premiums go up. And we are all familiar with that. The lawyers win, you lose. This game gets pretty old, pretty quick. But this is this jackpot monopoly system we have in Madison County, and a whole bunch of jackpot jurisdictions in this country.

Now, the Class Action Fairness Act is an important but modest reform. It does not deprive substantive legal rights to any American. All it does is make it easier to put these national cases where they belong, and that is in our Federal courts.

According to one study, 98 of the 113 class actions filed in Madison County from 1998 to early 2002 could have been moved to Federal court under this legislation. Justice demands that we act. We cannot play around with this any more. Those who are injured will get their day in court, but it will be Federal court, with sophisticated judges

who are appointed for life, who have no reason to be unfair. By voting for S. 5, we will help make sure they get it in a court where justice can be dispensed.

I yield the floor to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Senator from Utah.

Mr. President, I oppose the Class Action Fairness Act, S. 5. Notwithstanding its title, I do not think this bill is fair. I do not think it is fair to citizens who are injured by corporate wrongdoers and are entitled to prompt and fair resolution of their claims in a court of law. I do not think it is fair to our State courts, which are treated by this bill as if they cannot be trusted to issue fair judgments in cases brought before them. And I do not think it is fair to State legislatures, which are entitled to have the laws that they pass to protect their citizens interpreted and applied by their own courts. This bill is not only misnamed, it is bad policy, and I do think it should be defeated.

Make no mistake, by loosening the requirements for Federal diversity jurisdiction over class actions, S. 5 will result in nearly all class actions being removed to Federal court. This is a radical change in our Federal system of justice. We have 50 States in this country, each with its own laws and courts. State courts are an integral part of our system of justice. They have worked well for our entire history. It is hard to imagine why this Senate, which includes many professed defenders of federalism and the prerogatives of State courts and State lawmakers, would support such a wholesale stripping of jurisdiction from the States over class actions. By removing these actions from State court, Congress would shift adjudication away from State lawmakers and State judges towards Federal judges, who are often not as familiar with the nuances of State law. In my opinion, the need for such a radical step has not been demonstrated.

Actually, the leaders of the Federal and State judiciary agree. I don't know if it has taken a position on this particular bill, but the Judicial Conference of the United States has opposed legislation like S. 5 that would remove most class actions from State to Federal court. Federal judges don't particularly like diversity jurisdiction cases. They certainly are not in favor of legislation that would bring many more large, complicated civil cases brought under State law to their courts. And the Board of Directors of the Conference of State Chief Court Justices expresses quite well the concerns of State judges about this bill. Its letter states:

> Absent hard evidence of the inability of the state judicial systems to hear and fairly decide class actions brought in state courts, we do not believe such a procedure [transfer of class actions to federal court] is warranted. . . . Our position is not new and it is consistent with the position of our counterparts in the federal judicial system.

Class actions are an extremely important tool in our system of justice. They allow plaintiffs with very small claims to band together to seek redress. Lawsuits are expensive. Without the opportunity to pursue a class action, an individual plaintiff often simply cannot afford his or her day in court. But through a class action, justice can be done and compensation for real injuries can be obtained.

Yes, I do agree, there are abuses in some class action suits. Some of the most disturbing have to do with class action settlements that offer only discount coupons to the members of the class and a big payoff to the plaintiffs' lawyers. I am pleased that the issue of discount coupons is addressed in the bill, because the bill we considered in October 2003 did nothing about that problem. The bill now requires that contingency fees in coupon settlements will be based on coupons redeemed, not coupons issued. Attorney's fees will also be determined by reasonable time spent on a case and will be subject to court approval. The bill also allows a court to require that a portion of unclaimed coupons be given to one or more charitable organizations agreed to by the parties. I do agree, these are all good changes, but they do not change my view that the bill, as a whole, unfairly interferes with the States' administration of justice.

I appreciate that the supporters of S. 5 modified the new diversity jurisdiction rules for class actions in an effort to allow plaintiffs in State class actions more opportunities to remain in State court. Under the new bill, a district court must decline jurisdiction if two-thirds of the plaintiffs and the primary defendants are from the State where the action was filed, and there is at least one defendant who is a citizen of that State from whom significant relief is sought and whose alleged conduct forms a significant basis for the claims asserted by the proposed class. In addition, the principal injuries resulting from the alleged conduct of each defendant must have occurred in the State in which the action was originally filed.

These criteria are an improvement on the underlying bill. But the jurisdictional requirements for class actions to remain in State courts are still too burdensome. Under the new language, for example, a class action brought by Wisconsin citizens against a Delaware-based company for selling a bad insurance policy would probably be removed to Federal court even if Wisconsin-based agents were involved in selling the policies.

In addition, the new bill provides that district courts can only decline jurisdiction if during the 3-year period preceding the filing of the action no other similar class action has been filed against any of the defendants even if the case is filed on behalf of other plaintiffs. Thus, the filing of a class action in one State court may lead to the successful removal of a similar case filed in another State on behalf of plaintiffs in that State. If a defendant is engaging in conduct in number of different States that violates the separate laws of those States, why shouldn't that defendant be held accountable in different State courts under different state laws? Do we really need the Federal courts to get involved in these State law cases?

The bottom line is that this bill still sends the majority of class actions to Federal court. The proponents of this bill have chosen a remedy that goes far beyond the alleged problem.

Furthermore, under S. 5, many cases that are not class actions at all are included in the definition of ''mass action,'' a new term coined by this bill. S. 5 simply requires that the plaintiffs be seeking damages of more than $75,000 for the case to be considered a mass action and, therefore, removable to Federal court. This provision unfairly limits State court authority to manage its docket and to consolidate claims in order to more efficiently dispense justice.

A particularly troubling result of this bill will be an increase in the workload of the Federal courts. We all know these courts are already overloaded. In the 2004 Year End Report on the Federal Judiciary, for example, Chief Justice Rehnquist reported that the current budget crisis in the Federal judiciary has forced courts to impose hiring freezes, furloughs, and reductions in force. He noted that there is a dire need for additional federal judgeships to deal with the Federal courts' ever-increasing caseload. The Congress has led the way in bringing more and more litigation to the Federal courts, particularly criminal cases. Criminal cases, of course, take precedence in the Federal courts because of the Speedy Trial Act. So if you look at this bill in the context, the net result of removing virtually all class actions, civil cases, of course, to Federal court will be to delay those cases.

There is an old saying with which everyone is familiar: ''justice delayed is justice denied.'' I hope my colleagues will think about that aphorism before voting for this bill. Let's think about the real world of Federal court litigation and the very real possibility that long procedural delays in overloaded Federal courts will mean that legitimate claims may never be heard. My colleagues who support this bill tend to dismiss these arguments. They say that the Federal courts will offer adequate redress for legitimate claims, that they will faithfully apply State

laws. I certainly hope they are right because this bill seems to be headed for enactment. But if they are wrong, citizens and consumers will be the ones who suffer.

One little-noticed aspect of this bill illustrates the possibilities for delay that the bill provides, even to defendants who are not entitled to have a case removed to Federal court under the bill's relaxed diversity jurisdiction standards.

Under current law, if a Federal court decides that a removed case should be remanded, or returned, to State court, that decision is generally not appealable. It would be different under this bill, if it becomes law. This bill allows defendants to immediately appeal a decision by a Federal district court that a case does not qualify for removal to Federal court and should be remanded to State court.

Fortunately, the revised bill now requires such appeals to be decided promptly. It does not, however, do anything about the fact that the lower court may take months or even years to make a decision on the motion to remand. That means that a plaintiff class that is entitled, even under this bill, to have a case heard by a State court may still have to endure years of delay while its remand motion is pending in the Federal district court. Where is the ''fairness'' in that? I plan to offer an amendment to address that problem, and I certainly hope the bill's sponsors and supporters will give it serious consideration.

When I offered this amendment in the Judiciary Committee, I learned that a number of the supporters of the bill recognize the importance of the issue that my amendment raises. The chairman of the Judiciary Committee indicated that he would take a serious look at it and see if there is an accommodation that can be reached. So I did not seek a vote in committee on the amendment. I stand ready to negotiate on this issue and I hope there will be a serious effort here to reach agreement.

We have heard a lot of talk on this floor about the need to pass this bill without amendment—without any amendment at all—to protect some kind of ''delicate balance'' with the House and with the corporate supporters of the bill like the Chamber of Commerce. I ask my colleagues who support this bill, why would you not support a reasonable amendment that will make this bill fairer to plaintiffs who bring cases that under the bill's own terms should remain in State court? Please don't let this so-called delicate balance override your duty as legislators to do what is right.

It is important to remember that this debate is not about resolving questions of Federal law in the Federal courts. Federal question of jurisdiction already exists for that. Any case involving a Federal statute can be removed to Federal court under current law. This bill takes cases that are brought in State court solely under State laws passed by State legislatures and throws them into Federal court. This bill is about making it more time-consuming and more costly for citizens of a State to get the redress that their elected representatives have decided they are entitled to if the laws of their State are violated.

Diversity jurisdiction in cases between citizens of different States has been with us for our entire history as a nation. Article III, section 2 of the Constitution provides: ''The judicial Power shall extend . . . to Controversies between Citizens of different States.'' This is the constitutional basis for giving the Federal courts diversity jurisdiction over cases that involved only questions of State law.

The very first Judiciary Act, passed in 1789, gave the Federal courts jurisdiction over civil suits between citizens of different States where over $500 was at issue. In 1806, in the case of Strawbridge v. Curtiss, the Supreme Court held that this act required complete diversity between the parties. In all other instances, the Court said, a case based on State law should be heard by the State courts. So this bill before us changes a nearly 200-year-old practice in this country of preserving the Federal courts for cases involving Federal law or where no defendant is from the State of any plaintiff in a case involving only State law.

Why is such a drastic step necessary? Why do we need to prevent State courts from interpreting and applying their own State laws in cases of any size or significance? One frequent argument is that businesses cannot get a fair day in court because of renegade State court judges. Yet, there really is no evidence to back up these claims. Of the 3,141 counties, parishes, and boroughs in the State court systems of the United States, the so-called American Tort Reform Association could only identify nine jurisdictions that they consider ''unfair'' to defendants. Four other jurisdictions were declared as ''dishonorable mentions.'' But, the association only provided data on two of these jurisdictions—Madison County, IL, which the Senator from Utah was talking about, and St. Clair County, IL. The Senator from Utah cited statistics of increases in class action filings up through 2003. Yet in Madison County, the villain in the story told by the Senator from Utah, the number of class action filings has decreased by 30 percent between 2003 and 2004. So defendants have decided that State judges are unfair in two jurisdictions out of 3,000, but how does this constitute a crisis? The answer is simple there isn't one.

Another argument we hear is that the trial lawyers are extracting huge and unjustified settlements in State courts, which has become a drag on the economy. We also hear that plaintiffs' lawyers are taking the lion's share of judgments or settlements to the detriment of consumers. But a recent empirical study contradicts these arguments. Theodore Eisenberg of Cornell Law School and Geoffrey Miller of NYU Law School recently published the first empirical study of class action settlements. Their conclusions, which are based on data from 1993–2002, may surprise some of the supporters of this bill.

First, the study found that attorneys' fees in class action settlements are significantly below the standard 33 percent contingency fee charged in personal injury cases. The average class action attorney's fee is actually 21.9 percent. In addition, the attorneys' fees awarded in class action settlements in Federal court are actually higher than in State court settlements. Attorney fees as a percent of class recovery were found to be between 1 and 6 percentage points higher in Federal court class actions than in State court class actions.

A final finding of the study is that there has been no appreciable increase in either the amount of settlements or the amount of attorneys' fees awarded in class actions over the past 10 years. The study, therefore, indicates that there is no crisis here, no explosion of huge judgments, no huge fleecing of consumers by their lawyers. This bill is a solution in search of a problem. It is a great piece of legislation for wrongdoers who would like to put off their day of reckoning by moving cases to courts that are less convenient, slower, and more expensive for those who have been wronged. It is a bad bill for consumers, for State legislatures, and for State courts.

This bill seems not to be about class action abuses, but about getting cases into Federal court where it takes longer and is more expensive for plaintiffs to get a judgment. The cumulative effect of this bill is to severely limit State court authority and ultimately limit victims' access to prompt justice. Despite improvements made since the last time the Senate considered this bill, the bill will still place significant barriers for consumers who want to have their cases heard in State court. Remand orders are still appealable, and the mass tort definition does not protect State courts' authority to consolidate cases and manage their dockets more efficiently. All the elements outlined in the bill before us will result in the erosion of State court authority and the delay of justice for our citizens. Therefore, I cannot support this unfair ''Class Action Fairness Act'' bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise today in support of the Class Action

Fairness Act of 2005. This legislation addresses the continuing problems in class action litigation, particularly unfair and abusive settlements that shortchange consumers across America.

The time for this bill has come. We have worked very closely on a bipartisan basis with Senator GRASSLEY, Senator CARPER, and Senator HATCH for several Congresses and, more recently with Senators FEINSTEIN, DODD, SCHUMER, and LANDRIEU. Without this close cooperation and tremendous effort, we would not be on the verge of passing class action reform. Finally, Senators FRIST and REID deserve praise for crafting a fair process for the consideration of this legislation.

Class action cases are an important part of our justice system because they enable people who have been harmed in similar ways to pursue claims collectively that would otherwise be too expensive to bring individually. When these cases proceed as intended, injured parties are able to successfully pursue lawsuits in cases involving defective products or employment discrimination, or other wrongs, and recover fair damages.

Unfortunately, the system does not always work as it should. In fact, consumers are frequently getting the short end of the stick in class action cases, recovering only coupons or pocket change while their lawyers reap millions. Too often, the class action system is being taken advantage of to the detriment of consumers and others who have been harmed. The Washington Post put it clearly:

> No portion of the American civil justice system is more of a mess than the world of class actions.

Our bill addresses the problem in a few straightforward ways. First, the bill helps consumers by guaranteeing that they receive a better understanding of their rights and responsibilities in a class action lawsuit. Our bill includes a class action consumer bill of rights to limit coupon cases and other unfair settlements.

Second, this bill provides that state attorneys general are notified of proposed class action settlements. This encourages a neutral third party to weigh in on whether a settlement is fair for the plaintiffs and to alert the court if they do not believe that it is.

Finally, we allow some class action lawsuits to be removed to Federal court. As we all know, some are concerned about this provision. Yet, moving some class action cases to Federal court is only common sense. When a problem affects people in many States or involves a national problem, it is only fitting that the case be heard in Federal court.

We took special care during the course of our negotiations to ensure that the appropriate courts heard the right cases. This bill has never been an effort to either stop class action cases or send them all to the Federal courts. Rather, those cases that primarily involve people from only one State will remain in that State's court. These changes will ensure that class action cases are handled efficiently and in the appropriate venues and that no case that has merit will be turned away.

Stories of nightmare class action settlements that affect consumers around the country are all too frequent. For example, a suit against Blockbuster video in Texas yielded dollar off coupons for future video rentals for the plaintiffs while their attorneys collected $9.25 million. In California State court, a class of 40 million consumers received $13 rebates on their next purchase of a computer or monitor—in other words they had to purchase hundreds of dollars more of the defendants' product to redeem the coupons. In essence, the plaintiffs received nothing, while their attorneys took almost $6 million in legal fees. We could list many more examples of abuses in State court, but let me discuss just one more case that is almost too strange to believe.

I am speaking about the notorious Bank of Boston class action suit and the outrageous case of Martha Preston from Baraboo, WI. She was an unnamed class member of a lawsuit in Alabama State court against her mortgage company that ended in a settlement. The settlement was a bad joke. She received $4 and change in the lawsuit, while her attorneys pocketed $8 million.

Yet the huge sums that her attorneys received were not the worst of the story. Soon after receiving her $4, Ms. Preston discovered that her lawyers took $80, twenty times her recovery, from her escrow account to help pay their fees. Naturally shocked, she and the other plaintiffs sued the lawyers who quickly turned around and sued her in Alabama, a State she had never visited, for $25 million. Not only was she $75 poorer for her class action experience, but she also had to defend herself against a $25 million suit by the very people who took advantage of her in the first place.

The class action process is clearly in serious need of reform. Comprehensive studies support this position. For example, a study on the class action problem by the Manhattan Institute finds that class action cases are being brought disproportionately in a few State courts so that the plaintiffs' lawyers may take advantage of those specific courts that have relaxed class action rules.

A RAND study offered three primary explanations for why national class action cases should be in Federal court. ''First, Federal judges scrutinize class action allegations more strictly than State judges . . . Second, State judges may not have adequate resources to oversee and manage class actions with a national scope. Finally, if a single judge is to be charged with deciding what law will apply in a multistate class action, it is more appropriate that this take place in Federal court than in State court.

Our bill attempts to follow these recommendations and ensure that cases with a national scope are heard in Federal court. All the while, cases that are primarily of a single state interest remain in State court under our bill. Let me emphasize the limited scope of this legislation. We do not close the courthouse door to any class action. We do not deny reasonable fees for class lawyers. We do not cause undue delays for these cases. And we do not mandate that every class action be brought in Federal court. Instead, we simply promote closer and fairer scrutiny of class actions and class settlements.

Right now, people across the country can be dragged into lawsuits unaware of their rights and unarmed on the legal battlefield. What our bill does is give back to regular people their rights and representation. This measure may not stop all abuses, but it moves us forward. It will help ensure that unsuspecting people like Martha Preston don't get ripped off.

Mr. President, we believe this is a moderate approach to correct the worst abuses, while preserving the benefits of class actions. The bill represents a finely crafted compromise. We believe it will make a difference. We urge its passage.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I was on the floor of the Senate earlier preparing to offer an amendment, and I lost my voice. There was cheering in the galleries, but I have decided to soldier on and try to present this amendment again. I will try to abbreviate any remarks to spare the audience from what may be a painful process for them.

We are considering the Class Action Fairness Act of 2005. I have listened to some of the speeches on the Senate floor. Senator LOTT of Mississippi said: Do not be confused. This is not tort reform, this is court reform. I thought that was an interesting comment because there has been some concern over whether this class action change would affect a body of lawsuits known as mass torts—in other words, the types of class actions that relate to physical injuries that are common to mass tort cases.

Section 4(a) of S. 5 talks about ''mass actions,'' a different term altogether.

It requires mass actions be treated the same as class actions under the bill. The big question is whether that kind of lawsuit will be taken out of a State court and put into a Federal court. As I mentioned in my earlier remarks, Federal courts are not friendly to class actions. They are very strict in those that they would consider, and then they are very limited in their scope of liabilities. The business interests that are pushing for this change in the law know that if they can get these lawsuits into a Federal court, they are less likely to be found liable. That is what this whole debate is all about.

I have tried to take a close look at the mass actions section of this class action bill and ask how it would apply to a mass tort situation. Mass torts are large-scale personal injury cases resulting from accidents, environmental disasters, or dangerous drugs that are widely sold. The asbestos exposure situation we will be considering this year is another example of a mass tort.

These personal injury claims are usually based on State laws, and almost every State has established rules of procedure allowing their State courts to customize the needs of their litigants in these complex cases. I am afraid if S. 5 becomes law, the so-called mass action provision will preempt all of these State procedures and take them out of State courts.

The supporters of the bill claim that mass actions are not the same as mass torts and that they have no desire to affect mass tort cases. I know that is their position, but it is not what their bill says. If the goal is to federalize all State personal injury cases, supporters should be open about it and say it publicly.

I am sure the U.S. Chamber of Commerce, the American Tort Reform Association, all the business and insurance groups that support this bill would like to see all cases sent to Federal court. I knew from my years in practice in downstate Illinois, that Federal courts were more conservative than State courts.

But even these groups do not believe they can be that lucky with this bill. Instead, they came to us and said: No, our bill is very narrow, it only deals with class actions and not all cases. When I take a look at section 4, though, I am concerned about it. It sounds an awful lot like mass torts. Here is how they describe it. Section 4(A) defines it:

> . . . any civil action . . . in which monetary relief claims of 100 or more persons are proposed to be tried jointly on the ground that the plaintiffs' claims involve common questions of law or fact . . .

I am sure for anyone who has been patient enough to follow this debate this is a little confusing, so let me try by an example to give an idea of what is at stake in changing this law.

Everybody in America knows that in late September 2004, Merck & Co., a pharmaceutical giant, pulled its blockbuster pain medication Vioxx off the market. The largest prescription drug recall in history occurred as a result of a new study that showed that Vioxx doubled the risk of heart attack and stroke in some patients. With annual sales of $2.5 billion, Vioxx was one of the most successful new drugs ever. It was one of a new class of drugs called COX–2 inhibitors.

Some 20 million Americans took Vioxx in the 5½ years it was sold, but we don't know how many thousands had heart attacks and strokes that could have been attributed to this drug.

Since the discovery of the dangers of Vioxx, hundreds of cases from all over the country have been filed against Merck, and we can anticipate thousands more.

I would say as a former trial lawyer who served as both defense counsel in some cases and plaintiff's counsel in others, this is a pretty serious situation for Merck, and they know it. They have conceded the fact that the drug was dangerous. They took it off the market. Having taken it off the market, it is understandable that some who were injured are going to seek just compensation.

Let us look at a few cases. Let us take the case of Janet Huggins, which is just one of hundreds of similar cases working their way through the court system today.

Mrs. Huggins of Tennessee was a 39-year-old woman who died of a sudden heart attack after taking Vioxx. She was the mother of a 9-year-old son. When she was diagnosed with the early onset of rheumatoid arthritis, Vioxx was prescribed. She had no former cardiac problems or family history. According to her medical records, Mrs. Huggins was in, otherwise, excellent health.

But on September 25, 2004, she died of a sudden heart attack—less than a month after she started taking Vioxx. She was buried on the very day in September that Merck took Vioxx off the market.

On October 28, 2004, her husband Monty filed a claim against Merck in the Superior Court of New Jersey, Atlantic City Division. Why New Jersey? This couple is from Tennessee. Because that is the State where Merck is headquartered.

In an interview on ''60 Minutes,'' Mr. Huggins said: ''I believe my wife would be here'' if Merck had decided to take Vioxx off the market just 1 month earlier.

Then there was Richard ''Dickie'' Irvin of Florida, who was a 53-year-old former football coach, and president of the athletic booster association.

He had received his college football scholarship and was inducted into the school's football hall of fame. He went on to play in the Canadian League Football until suffering a career-ending injury.

In addition to coaching, he worked at a family-owned seafood shop where he was constantly moving crates of seafood. He rarely went to see a doctor and had no major medical problems.

In April 2001, Mr. Irvin was prescribed Vioxx for his football knee injury from years ago. Approximately 23 days after he began taking Vioxx, Mr. Irvin died from a sudden, unexpected heart attack. An autopsy revealed that his heart attack was caused by a sudden blood clot. This is the exact type of injury that has been associated with Vioxx use.

Mr. Irvin and his wife of 31 years had four children and three grandchildren.

John Newton of Texas, father of two, took Vioxx for osteoarthritis. On April 1, 2003, without warning, he began coughing violently and within minutes was coughing up blood. Before emergency medical services could be called, he collapsed in the arms of his 17-year-old son and died.

It was later determined that Mr. Newton died of a blood clot in his lung. He had no prior history of blood clots, or pulmonary disease. The cases go on and on in State after State.

Some of these cases such as the one brought by Mrs. Huggins' family have already been filed against Merck. Others are in the works.

But if the victims of Vioxx file suit in New Jersey, because that is where Merck is headquartered, their cases are automatically sent to the State's special mass torts court.

New Jersey is one of those States where the legislature established specialized courts to handle certain types of cases. The courts in New Jersey have the authority to combine cases. They can consolidate cases. That seems reasonable, when you consider all of the people who will be suing Merck in New Jersey, where they are headquartered, from all over the United States with similar situations as the ones I just described.

What is so outrageous about having a lot of State-based personal injury claims filed separately which are then consolidated as the New Jersey courts can do by their own motion?

But under the mass action language of S. 5, their case and all other similar Vioxx cases will be taken out of the New Jersey special court and removed to a Federal court to be treated like a class action.

Why? If you take a look at the language in S. 5, the fact pattern fits nicely under the definition of a ''mass action'' to remove the case to Federal court, while at the same time none of the exemptions apply to keep Vioxx cases in State court.

So understand, for those who are arguing that this law we are considering is simply a case of changing jurisdictions in courts and stopping righteous

lawyers from filing class action lawsuits, that it is much more.

For Merck, this law is the answer to a prayer. They will take their case out of the State court into a Federal court as a class action, which is less likely to certify the class even though the series of mass tort cases were not even filed as a class action.

That is why I am offering this amendment. My amendment would make two small, narrow, and common sense changes.

First, it would allow State courts to continue to consolidate these individual personal injury cases on their own motion without losing jurisdiction to a federal court under S. 5.

Second, it would also allow courts that consolidate cases not just for pretrial but all the way through trial or settlement to retain their jurisdiction and not lose it to a Federal court.

My amendment provides parity in the litigation process because one of the exceptions to the mass action definition in S. 5 already provides for defendants to consolidate cases without losing jurisdiction to a Federal court. I think it is important for the court—in addition to the defendant—to have this right as well.

I also think it is important for courts to be able to schedule their own calendar of cases without having to worry whether they would lose jurisdiction over their consolidated cases at certain phases of litigation. They should not be limited ''solely'' to the pretrial proceedings.

These two small changes will ensure that mass tort cases involving personal injury claims that are not intended to be affected by S. 5 can continue to remain in State courts throughout the duration of the proceeding. The supporters of this bill claim that is their intent, and I want to make sure the language in S. 5 reflects this purpose.

AMENDMENT NO. 3

(Purpose: To preserve State court procedures for handling mass actions)

Mr. DURBIN. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 20, before the semicolon at the end of line 23, insert ''or by the court sua sponte''.

On page 21, line 5, strike ''solely''.

Mr. DURBIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

(The remarks of Mr. ALEXANDER pertaining to the submission of S. Res. 44 are printed in today's RECORD under ''Submitted Resolutions.'')

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, this afternoon the Senate is debating a class action lawsuit bill. This afternoon in Detroit, President Bush said:

Congress needs to pass meaningful class action and asbestos legal reform this year.

My response is, before we pass something, we better understand how it will affect the rights and the lives of everyday, average Americans.

Unfortunately, the bill before the Senate will unfairly tip the scales of justice against average citizens. It will give big businesses even more power to avoid responsibility for their actions and it will delay justice for many victims who deserve justice.

We do not have to look very far to see why average citizens need access to courts. Look at this morning's newspaper from Seattle, WA. It reports that the Federal Government indicted the W.R. Grace Company for knowingly sickening workers and residents of Libby, MT, where hundreds of people have died from asbestos exposure. The indictment charges that the company officials knew of the dangers to workers in the community and created a conspiracy to hide those dangers.

I hope these indictments will bring a small measure of justice to the thousands of people who have suffered in Libby and around the country. These people worked hard. They provided for their families. But the company they worked for knowingly poisoned them and then covered it up.

The Federal Government is finally going after the company and the executives who made the decisions that put workers and the entire community at risk.

Here is the story from today's Seattle P–I:

Grace indicted in asbestos deaths. Mine Company and seven executives face criminal charges.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD after my remarks.

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

(See exhibit 1.)

Mrs. MURRAY. Mr. President, the story of what happened in Libby, MT, is heartbreaking.

Years ago, when I first heard what happened there, I began a campaign to ban asbestos and to protect its victims. In June of 2002, I testified at a hearing about Libby before the Senate Subcommittee on Superfund, Toxics, Risk, and Waste Management. The people of Libby, MT, have been waiting for this day for a very long time.

This indictment tells companies that they are responsible for their decisions and that human lives are more important than profits. The indictment sends a message that if you are putting workers and consumers at risk, if you try to hide the dangers, you will be prosecuted because at the end of the day, this is not about profits, it is about people.

It is about people such as Gayla Benefield, whom I met last summer. Gayla's father worked at W.R. Grace's vermiculite mine and mill in Libby, MT, from 1954 to 1973. Her father died of asbestosis in 1974. Gayla's mother never worked in that mine, but she was exposed to asbestos fibers on her husband's work clothes. Gayla's mother died of asbestosis in 1996. Gayla herself was exposed to asbestos fibers. Why? Because she hugged her dad when he came home from work. And then, in December of 2001, Gayla and her husband David both were diagnosed with lung abnormalities.

In all, about 37 people in Gayla's family have signs of asbestos disease, and only three ever worked in that mine.

Now, as my colleagues know, for the past 4 years, I have been speaking about the dangers of asbestos and the need to ban it in this country. I have stood up for victims and their families. I have introduced legislation to protect workers, educate the public, and improve research and treatment.

Last year, when Congress considered an inadequate trust fund bill, I stood up for the asbestos victims and voted against it. We still have a lot of work to do to take care of the current victims and to prevent future deaths. That is one of the reasons I am so personally concerned about the class action bill that is now before the Senate.

The bill allows companies to move class action lawsuits from State jurisdiction to Federal jurisdiction. That could delay justice for years. In many cases, victims have already been waiting a long time for their day in court. If their cases are moved to Federal court, they will essentially have to start all over at the bottom of the pile. That is because Federal courts already have a massive backlog of cases. It is one of the reasons the Federal bench opposes this bill.

If class action lawsuits are dumped on to our Federal courts, they will fall to the bottom of the list of priorities. Even if they work their way up to the top of the docket after many years, they will not be resolved quickly because they are such complicated cases.

The bill that is before the Senate now could add years to the amount of time it takes to resolve a case. Unfortunately, asbestos victims do not have time on their side. Once a person is diagnosed with mesothelioma, they usually have only about 6 to 18 months to live. So if companies know, they can just play legal games, they can just wait it out, just move the case and hold things up until the victim dies. If that happens, there is no justice.

For someone with the death sentence of an asbestos disease, justice delayed

is justice denied. That is why Congress should reject this class action bill.

There are other ways this bill could deny justice. Companies could just wait until a victim's medical bills or lost wages are so high that the victim is forced into an unfair settlement. Once again, that is because this bill tips the scales of justice against average Americans.

I have focused on asbestos victims, but this class action bill would affect many more types of victims. Anyone with a class action lawsuit could find themselves pushed into Federal court at the bottom of the list. Congress should not delay and deny justice for victims.

As for asbestos victims, we still have a lot of work to do. Each year in this country 10,000 Americans die from asbestos disease—10,000 Americans. The first thing we need to do is ban the production and importation of asbestos in the United States. Do you know that each year in this country we put asbestos into 3,000 consumer products, products that you buy at the store regularly? Hair dryers, floor tile, and automobile brakes—we put asbestos in them in this country today. If we know this is deadly, we should stop putting it in consumer products in America.

Again, later this year, I am going to reintroduce my Ban Asbestos in America Act. The first year I introduced it, we only had four cosponsors. Last session, we had 14. We also made progress, including my ban in the asbestos liability legislation that was considered by the Judiciary Committee. My ban is also included in Senator SPECTER's most recent version of that bill.

But we also need to help victims by investing in mesothelioma research and treatment. And we need to boost awareness of how consumers—that is all of us—and workers can protect themselves.

Today, up to 35 million homes, businesses, and schools have the deadly Zonolite insulation in their attics. People need to know about the danger so they can protect themselves, so they do not go up in their attic and do their work unknowingly exposing themselves to asbestos.

Many employees are still in danger—from construction workers to auto mechanics. And let's not forget that many asbestos victims were exposed to asbestos when they served our country in the military. About 32 percent of asbestos victims happen to be Navy veterans. Many of them worked in the Bremerton Shipyard in my home State of Washington.

The dangers of asbestos are not just limited to Libby, MT, or to military communities; they are everywhere. This Congress needs to address them the right way. Congress should make sure asbestos victims can get the justice they deserve. That is why I will vote against this class action bill. And that is why I am going to continue to fight to ban asbestos and to help the victims in this country.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Seattle Post-Intelligencer, Feb. 8, 2005]

W.R. GRACE INDICTED IN LIBBY ASBESTOS DEATHS

MINE COMPANY AND SEVEN EXECUTIVES FACE CRIMINAL CHARGES

(By Andrew Schneider)

MISSOULA, MONT.—W.R. Grace & Co. and seven of its current or former executives have been indicted on federal charges that they knowingly put their workers and the public in danger through exposure to vermiculite ore contaminated with asbestos from the company's mine in from Libby, Mont.

Hundreds of miners, their family members and townsfolk have died and at least 1,200 have been sickened from exposure to the asbestos-containing ore. The health effects also threaten workers, their families and residents everywhere the ore was shipped, including Seattle, and people living in millions of homes nationwide where it was used as insulation.

Yesterday, on the steps of the county courthouse here, U.S. Attorney Bill Mercer announced the 10-count indictment, alleging conspiracy, knowing endangerment, obstruction of justice and wire fraud.

''A human and environmental tragedy has occurred,'' he said. ''This prosecution seeks to hold Grace and its executives responsible.''

''This is one of the most significant criminal indictments for environmental crime in our history,'' said Lori Hanson, special agent in charge of the Environmental Protection Agency's environmental crime section in Denver.

In a statement released for Grace by a public-relations firm, the company ''categorically denies any criminal wrongdoing.''

Grace criticized the government for releasing the indictment before providing a copy to the company. ''We are surprised by the government's methods and disappointed by its determination to bring these allegations. . . . We look forward to setting the record straight.''

Federal environmental officials began examining the hazards in Libby after Nov. 19, 1999, when the Seattle Post-Intelligencer began publishing a series of stories about what the government has called ''the nation's biggest environmental disaster.'' Within three days of the P–I's first report, an EPA emergency team arrived in the tiny northwestern Montana town.

Present at the announcement yesterday were Libby victims Lester and Norita Skramstad and Gayla Benefield.

Lester Skramstad has asbestosis, as does his wife, Norita, and two of their children. He spoke softly but forcefully, struggling for breath to launch his words into the wind on a blustery winter afternoon. ''I've waited a long time for this,'' he said. ''It's a great day to be alive.''

If found guilty, the individual defendants face from five to 15 years in prison on each count, which for some of the executives could be as much as 70 years.

Grace could be fined up to twice the profits from its alleged criminal acts or twice the losses suffered by victims. According to the indictments, Grace made more than $140 million in after-tax profits from the Libby mine, which would mean a fine of up to $280 million. Alternatively, the court could fine the company twice what it computes the loss to be from more than a thousand Libby victims. In addition, the court could order restitution for the victims.

''This criminal indictment is intended to send a clear message: We will pursue corporations and senior managers who knowingly disregard environmental laws and jeopardize the health and welfare of workers and the public,'' said Thomas Skinner, EPA's acting assistant administrator for enforcement, yesterday.

The executives charged are Alan Stringer, formerly general manager of the Libby mine and Grace's representative during the government's Superfund cleanup; Henry Eschenbach, formerly director of health, safety and toxicology in Grace's industrial chemical group; Jack Wolter, formerly Grace vice president and general manager of its construction products division; Bill McCaig, also formerly general manager of the mine; Robert Bettacchi, formerly president of the construction products division and senior vice president of Grace; O. Mario Favorito, former Grace general counsel; and Robert Walsh, formerly a Grace senior vice president.

The 49-page indictment accuses Grace of knowingly releasing asbestos into the air, placing miners, their families and townspeople at risk, and of defrauding the government by obstructing the efforts of various agencies including the EPA, increasing profits and avoiding liability for damages by doing so.

P–I'S INVESTIGATION

Tens of thousands of pages of internal Grace documents and court papers were the basis of scores of stories in the P–1 on Libby and the deadly ore that Grace shipped throughout the world. Those documents show years of extensive communication among Grace's top health, marketing and legal managers and mine officials in Libby about concealing the danger of asbestos in the ore and consumer products that were made from it.

They discussed methods to keep federal investigators from studying the health of the miners, the potential harm to Grace sales if asbestos warnings were posted on its products, and the effort to mask the hazard of working with the contaminated ore.

''The prosecution cannot eliminate the death and disease in Libby,'' said John Heberling, a lawyer with McGarvey, Heberling, Sullivan and McGarvey. ''But there is comfort in the hope that criminal convictions will say to corporate America . . . managers will be held criminally accountable if they lie and deny and watch workers die.''

For years, the Kalispell, Mont., firm has been fighting for damages from Grace on behalf of the families of the dead and the dying from Libby.

MINE'S HUGE PRODUCTION

Opened in 1913, the mine is six miles from Libby. Grace bought it in 1963 and closed it in 1990. In its heyday, the mine produced 80 percent of the world's vermiculite. The company still operates smaller vermiculite mines in South Carolina.

Vermiculite, a mineral similar to mica, expands when heated into featherweight pieces that have been used commercially for decades in attic and wall insulation, wallboard, fireproofing, and plant nursery and forestry products. It was also used in scores of consumer products, such as lawn and garden supplies and cat litter.

Exposure to the tremolite asbestos fibers, which contaminate the vermiculite ore, has caused hundreds of cases of asbestosis, lung cancer and mesothelioma in Libby and an untold number at hundreds of other sites across North America where the ore was processed.

Criminal investigators and lawyers from the EPA, the Internal Revenue Service and the U.S. Attorney's offices in Montana often put in 12- to 15-hour days while preparing the case.

Investigators and lawyers from the Justice Department and the EPA's headquarters also assisted. The haste was required because prosecutors were up against a five-year statute of limitation, based on the arrival of the first federal team in Libby after the P–1 stories. They gained a three-month extension of that limitation.

A TROUBLED PAST

The EPA said that over the years it had filed several complaints against Grace over the company's environmental practices. The only previous criminal charge against the Columbia, Md.-based corporation was in the mid-'80s. Grace was indicted on two counts of lying to the agency about the quantity of hazardous material used in its packaging plant in Woburn, Mass. In 1988, the company pleaded guilty to one count and was fined $10,000, the maximum at that time. The charges were brought after Grace and another company were sued after being accused of illegally dumping toxic chemicals, contaminating two wells and, some believe, resulting in the deaths of five children from leukemia. Grace paid the families $8 million to settle the suits. The book and movie ''A Civil Action'' were based on the Woburn case.

Grace, which produces construction materials, building materials and packaging, filed for Chapter 11 bankruptcy protection in 2001 because of the ''sharply increasing number of asbestos claims,'' Paul Norris, Grace's chairman and CEO, said at the time.

May 2002, the Justice Department intervened in Grace's bankruptcy, the first time it had entered such a case, alleging that before Grace filed for Chapter 11, it concealed money in new companies it bought. Justice Department lawyers said Grace's action was a ''fraudulent transfer'' of money to protect itself from civil suits.

In November of that year, just before the trial was to begin, the St. Louis Post-Dispatch reported that the companies returned almost $1 billion to the bankruptcy judges holding Grace's assets. Grace is far from out of business. Norris said the company has annual sales of about $2 billion, more than 6,000 employees and operations in nearly 40 countries.

Mercer refused comment on whether there would be more indictments from other locations where Grace had operations. Hanson said she had been discussing the investigation with her counterparts in EPA regions throughout the country.

Libby victim Benefield said yesterday that as she watched the announcement of the indictments, her thoughts were with her parents, Perley and Margaret Vatland, both of whom died of asbestosis. She wore on her coat a costume-jewelry pin her mother, who sold Avon products, bought from Avon for herself.

''Somewhere today they're smiling,'' she said, fingering the pin. ''I just know it.''

ONLINE

Read *Uncivil Action*, the P–O's award-winning coverage of the deadly legacy of asbestos mining, beginning with a November 1999 story about hundreds dead or dying in Libby, Mont.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, we are in our second day of debate on the important Class Action Fairness Act of 2005. Because of my responsibilities as chairman of the Senate Finance Committee, I have not had a chance to participate in the debate of a bill that I have been the sponsor of going back to the 105th Congress. It is a pleasure for me to participate and anticipate the passage of this legislation.

It is about time that the Senate gets this bill done and gets it to the President. Of course, I am very pleased that Majority Leader FRIST sees this as an important enough issue to move so early in the 109th Congress. I also thank Chairman SPECTER, as new chairman of the Senate Judiciary Committee, for getting this class action bill through committee so very quickly. I hope we can move expeditiously with few or no amendments, pass this bill, and have the President sign it, which we are sure he will.

My colleagues will recall that in the 108th Congress, Senator FRIST brought the class action fairness bill to the floor in October 2003, but we were not able to proceed to the bill. We lost the vote on cloture on the motion to proceed by just a one-vote margin; in other words, 50 votes as opposed to the 60-vote supermajority that cloture takes.

After that vote, I worked with Senator HATCH, who was then chairman of the Judiciary Committee, and our lead Democratic cosponsors, Senators KOHL and CARPER, to modify the bill to address concerns that were raised by three Senators and maybe others, but I remember specifically Senators DODD, LANDRIEU, and SCHUMER. Then we reintroduced the Class Action Fairness Act in February 2004 as a new bill with a new number, S. 2062. It contained the compromise language that we worked out with Senators DODD, LANDRIEU, and SCHUMER. Senator FRIST then attempted to bring up the bill last July. Unfortunately, we were once again denied the ability to close debate on the bill, and we lost, again, a cloture vote. This was because Senators wanted to offer nongermane amendments—amendments, as you know, Mr. President, that have absolutely nothing to do with the subject matter of the underlying bill. This was particularly disappointing to me after all of the hard work we had done to reach an acceptable compromise with several Democrats. We could have passed the bill in the 108th Congress, but raw politics got in the way.

Now is the time to get this bill done. We have reintroduced the language contained in last year's bill, a compromise worked out with Senators DODD, LANDRIEU, and SCHUMER. That is what is now before us in S. 5, the very same bill. We made no changes to last year's bipartisan compromise. So I hope we can stop having politics interfere with this bill and pass what is a relatively modest bill that will help reform a class action regime that has gotten to be very bad, which ends up most of the time serving no one except the lawyers who bring these class action suits.

I would like to give some background on the need for this very important legislation. Everyone has heard about the abuses going on with the current class action system. These problems undermine the rights of both plaintiffs and defendants. Class members often do not understand what their rights are in a class action suit, while the class action lawyers drive the lawsuits and the settlements. Class members cannot understand what the court and the settlement notices say because they are in very small type and written in hard-to-understand legalese. So class members often do not understand their rights and they don't understand the consequences of their actions with respect to the class action lawsuit in which they are invited to participate.

Moreover, many class action settlements only benefit the lawyers, with little or nothing going to the class members. We are all familiar with the class action settlements where the plaintiffs got coupons of little value, or maybe no value, and the lawyers got all of the money available in the settlement agreement. So what is the point of bringing a lawsuit? I thought it was to find redress for the plaintiffs and not to benefit the lawyers who bring the case. But that is what happens many times now in these class action lawsuits. The lawyers drive those cases, not the individuals who allegedly have been injured. The lawyers are the ones who get the millions and millions of dollars in fees while the people who allegedly have been injured get worthless coupons.

In addition, the current class action rules are such that the majority of large nationwide class actions are allowed to proceed to State court when they are clearly the kinds of cases that should be decided in Federal Court. The U.S. Constitution provides that cases involving citizens of two different States and an amount of controversy of $75,000 can be heard in Federal Court. However, the law has been interpreted in such a way that class action lawsuits; that is, cases involving large

sums of money, citizens of many different States, and issues of national concern, have been restricted to State courts even though they have national consequences. Crafty lawyers game the system. Crafty lawyers file these large class actions in certain courts. They are shopping for magnet State courts, and they are able to keep them there.

For example, in Madison County, IL, the most notorious class action magnet State court, which has been called a ''judicial hellhole,'' class action filings have jumped from 77 in 2002 to 106 in 2003. I understand that Madison County has had an increase of over 5,000 percent in the number of class action filings since 1998. That surely says something. Clearly, the judges there are playing somewhat fast and loose with the class action rules when they are deciding whether to certify a class action lawsuit. So unscrupulous lawyers are gaming the present rules to steer their class action cases to these certain preferred State courts, such as Madison County, IL, where judges are quick to certify classes, quick to approve settlements, with little regard to the class members' interests or the parties' due process rights. Of course, that is the reason for this legislation. We need to do something about this kind of abuse of the judicial process.

Class action lawsuits at least should have the opportunity to be heard in Federal court because usually they are the cases that involve the most amount of money, citizens from all across the country, and issues of nationwide concern. Why should a State county court be deciding these kinds of class action cases that impact people all across the country? Of course, that just doesn't make sense to me; hence, the authorship of this legislation. I hope it doesn't make sense to at least a majority of my colleagues.

Both the House and Senate held numerous hearings on this legislation and on other kinds of class action abuse. We heard about class lawyers manipulating case pleadings to avoid removal of a class action lawsuit to Federal court, where it should be, claiming that their clients suffered under $75,000 in damages in order to avoid the Federal jurisdictional amount threshold.

We heard about class lawyers crafting lawsuits in such a way to defeat the complete diversity requirement by ensuring that at least one named class member was from the same State as one of the defendants even if every other class member was from one of the other 49 States.

We heard about attorneys who filed the same class action lawsuit in dozens of State courts all across the country in a race to see which judge would certify the fastest and the broadest of class.

We heard about class action lawyers entering into collusive settlements with defendant attorneys which were not in the best interest of class members.

These are only a few of the gamesmanship tactics lawyers like to utilize to bring down the entire class action legal system. The bottom line is that many of these class actions are just plain frivolous lawsuits that are cooked up by the lawyers to make a quick buck, with little or no benefit to the class members who the lawyers are supposed to be representing.

Out-of-control frivolous filings are a real drag on the economy. Many a good business is being hurt by this frivolous litigation cost. Unfortunately, the current class action rules are contributing to the cost of business all across America, and it particularly hits small business because it is the small business that gets caught up in the class action web without the resources to fight.

Too many frivolous lawsuits are being filed. Too many good companies and consumers are having to pay for this lawyer greed. Make no mistake about it, there is a real impact on the bottom line for many of these companies and, to some extent, on the economy as a whole. They have to eat this increased litigation cost or else it is farmed out to consumers, such as you and me, and this is all in the form of higher prices for goods and services we buy.

This is unacceptable, and we need to do something about this. We need to restore some commonsense reform to our legal system. We need to restore common sense to the class action system. We should pass this bill.

I now wish to say something about class action lawsuits. They can be a very good tool for many plaintiffs with the same claims to band together to seek redress from a company that has wronged them. I am not against the use of class action lawsuits, and neither are other supporters of this bill. We are not here to put a stop to the class action tool.

I certainly know my friend and original cosponsor of this bill, Senator KOHL, feels the same as I do. People who have been injured should be able to sue companies that do not follow the law. Our problem is many class actions are not proceeding in the way they were originally intended.

Our problem is many of these lawsuits are not fair and violate the due process rights of both plaintiffs as well as defendants.

Our problem is many times these lawsuits are not helping the class members at all. They are an effective tool for lawyers to make a big, easy buck.

Our problem is these kinds of suits should have an opportunity to be heard in Federal court, not stuck in a magnet court in a county that has no connection whatsoever to the case. That is why Senator KOHL and I joined forces several Congresses ago—this is the fifth Congress this bill has been around for us to try to do something about this situation. That is a period of 8 years past and 10 years including this Congress—to do something about the problems we were seeing and about the runaway abuses.

The Class Action Fairness Act will address some of the more egregious problems with the class action system while preserving class action lawsuits as a very important tool which brings representation to the unrepresented.

Let me underscore for my colleagues that S. 5 is a very delicate compromise. As my colleagues already know, this bill has gone through many changes to accommodate Democratic Senators, much to the frustration of some of my Republican colleagues who think we have gone too far.

I worked in good faith with these colleagues on the other side of the aisle to bring people together and to address valid concerns to increase support for this bill, most importantly to, hopefully, have 60 votes on board, the supermajority it takes to bring a halt to debate, to get to finality, to get this bill passed, to get it to the House where we are told it will pass if we do not change it, and go to the President very quickly.

I did not think then that we needed to make any changes to the class action bill that was originally introduced several Congresses ago, but as compromise is often necessary in this process if I wanted to move the class action bill forward, I did my best to listen to the issues raised and to make modifications to the bill where there was room for that compromise.

Nevertheless, with all the compromises we cut, S. 5 still retains the goal we set out to achieve: to fix some of the most egregious problems we are seeing in the class action system and to provide a more legitimate forum for nationwide class action lawsuits.

The deal that was struck is a very carefully crafted compromise that does not need to be modified any further. So I am asking my colleagues to withhold the offering of amendments to avoid disrupting the balance we have achieved.

My colleagues should not be fooled. The amendments that are going to be offered are an attempt to weaken or gut the bill. Some amendments may sound reasonable, but they pose a problem in the other body. Other amendments may sound good, but they do not have anything to do with class action reform. Other amendments are, plain and simple, poison pills.

We have worked far too long and we have worked far too hard to have this bill come down because folks are misled into supporting an amendment that in reality perpetuates the problem and preserves the status quo.

We have worked far too long and too hard to have this bill delayed and complicated with amendments that the House will never accept.

We have also worked far too long and far too hard to have this bill bogged down by amendments that are not critical to the core purpose of the legislation.

So then let's get this bill past the finish line, not create more hurdles and obstacles. I ask my colleagues to vote against the amendments and keep the bill clean. How often do we in this body, the Senate of the United States, have the respect the House is giving us by saying if this bill is not changed any more, they will buy it the way it is? That happens once in a decade. We ought to take advantage of it.

I would like to highlight, before I sit down, some of the changes we made to the bill to increase support for this bill since Senator KOHL and I introduced the first Class Action Fairness Act in the 105th Congress, now 8 years ago.

The bill, as was originally introduced, did several things. It required that notice of proposed settlements in all class actions, as well as all class notices, be in clear, easily understood English and include all material settlements, including amounts and sources of attorney's fees. Since plaintiffs give up their right to sue, they need to understand the ramifications of their actions and should not have to hire another attorney to find out what these notices mean.

Then our bill required that State attorneys general or other responsible State government officials be notified of any proposed class settlement that would affect the residents of their States. We included this provision to help protect class members because such notice would provide State officials with an opportunity to object if the settlement terms are unfair to their citizens.

Our bill also required that courts closely scrutinize class action settlements where the plaintiffs only receive coupons or noncash awards while the lawyers get the bulk of the money.

It required the Judicial Conference to report back to the Congress on the best practices in class action cases and how to best ensure fairness of these class action settlements.

Finally, the bill allowed more class action lawsuits to be removed from State court to Federal court. The bill eliminated the complete diversity rule for class action cases but left in State courts those class actions with fewer than 100 plaintiffs, class actions that involve less than $5 million, and class actions in which a State government entity is the primary defendant.

Our bill still does many of these things, but we have made a number of modifications to get this bipartisan support.

In the Judiciary Committee in the 108th Congress, we incorporated Senator FEINSTEIN's amendment which would leave in State court class action cases brought against a company in its home State where at least two-thirds or more of the class members are also residents of that State.

We also incorporated changes to address issues raised by Senator SPECTER relative to how mass actions would be treated under this bill. In our negotiations and outside the committee with Senators SCHUMER, DODD, and LANDRIEU, we made numerous changes, so I will only mention a few of the more important compromises we reached.

For example, we made changes to the coupon settlement provisions in the bill providing that attorney's fees must be based either on the value of the coupons actually redeemed by class members or the hours actually billed in prosecuting the case. We deleted for these Senators the bounties provision because of a concern that it would harm civil rights plaintiffs.

We deleted provisions in the bill that dealt with specific notice requirements because the Judicial Conference had already approved similar notice arrangements to the Federal Rules of Civil Procedure.

To address questions about the merry-go-round issue, we eliminated a provision dealing with the dismissal of cases that fail to meet rule 23 requirements so that existing law applies.

We deleted a provision allowing plaintiff class action members to remove class actions to Federal court because of gaming concerns. We placed reasonable time limits on the appellate review of remand orders in the bill. We clarified that citizenship of proposed class members is to be determined on the date the plaintiff filed the original complaint or when plaintiffs amend the complaint.

We made further modifications to the FEINSTEIN compromise already referred to and to the mass action language Senator SPECTER was concerned about. We clarified that nothing in the bill restricts the authority of the Judicial Conference to promulgate rules with respect to class actions.

Finally, we drafted a new what is called local class action exception, which would allow class members to remain in State court if, one, more than two-thirds of the class members are citizens of this forum State; two, there is at least one in-State defendant from whom significant relief is sought by members of the class and whose conduct forms a significant basis for the plaintiffs' claims; three, the principal injuries resulting from the alleged conduct or related conduct of each defendant were incurred in the State where the action was originally filed; and, four and lastly, no other class action asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons has been filed during the preceding 3 years.

We did all of this to ensure that truly local class action cases, such as a plant explosion or some other localized event, would be able to stay in State court. So we have made significant concessions to get our Democratic colleagues on board this Class Action Fairness Act. Of course, some of my Republican colleagues feel we have made too many compromises. But these folks on the other side of the aisle have been telling us that they are ready to support the bill and get it passed, so the time has come that hopefully no more politics are played, that we get down to business and we get this bill done. It is time to make real progress on a class of lawsuits that has become burdensome for business, not beneficial to the plaintiffs, and enriching of attorneys.

If we do that—and we do that when we pass this bill—again I want to remind my colleagues that we have crafted a carefully balanced bill that consists of a number of compromises and some would say too many compromises. I think we have done a pretty good job of addressing legitimate concerns with the bill and I am hopeful we will not see a lot of amendments to disrupt this compromise. I am hopeful my colleagues will join me and vote against all killer amendments that gut or weaken the bill. I am hopeful my colleagues will join me and vote against poison-pill amendments that the House will never accept.

All of these amendments need to be defeated because we should send a clean bill to the House. All of our hard work on forging a bipartisan compromise bill should not go down the drain.

The bottom line is this class action reform is badly needed. Both plaintiffs and defendants alike are calling for change. The Class Action Fairness Act will help curb the many problems that have plagued the class action system. S. 5 will increase class members' protection and ensure the approval of fair settlements. It will allow nationwide class actions to be heard in a proper forum, the Federal courts, but keep primarily State class actions where they belong, in State court. It will preserve the process but put a stop to the more egregious abuses. It will also put a stop to the frivolous lawsuits that are a drag on the economy.

Now that we have worked together on a very delicate compromise, we should be able to get this bipartisan bill done without changes.

I see another person who has worked very hard on this bill has come to the Chamber and that is Senator CARPER of Delaware. There is no person who has been more determined to get this bill passed and get it passed in a bipartisan way, and I appreciate very much the cooperation he has given us over the

last year but, more importantly, in a time when I have been involved with a lot of issues other than class action, he has kept me focused on this bill that I want to get passed, and he has helped me get the job done. I thank Senator CARPER as well as other Democrats who have helped in this process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, before Senator GRASSLEY leaves the floor, I simply want to say how much I have enjoyed and appreciated the opportunity to work with him on this issue. If we go back 7 years when this idea first took legislative form and look at the changes that have occurred over each of the last three or four Congresses, they have been dramatic.

My goal, and I believe it is a goal many of us share who support the legislation, is to make sure that when what I term little people are harmed by the actions of big companies or small companies, those little people have a chance to aggregate together and be made whole. I think we agree on that principle.

We want to make sure the companies that do something that is wrong or that are contemplating an action or behavior that is inappropriate or wrong, that they know if they get caught, they will pay a price, and class actions can help catch them at that and make sure they are put on notice. I think that is a principle on which we all agree.

A third principle is to make sure the defendant companies, if they are called on the carpet, can go to a court where they have a fair chance of defending themselves and presenting their case.

The last one is to try to do all of this in the context of not needlessly overburdening the Federal judiciary.

It is tough to balance all of those different principles, but I think on the legislation the Senator has authored and that some of us have been privileged to work with the Senator to help shape, we have come close to realizing those principles.

I wanted to say a special thanks to the Senator for his willingness to work with people on both sides of the aisle, to hear us out, to hear our ideas, and be willing to accept a number of the ideas we have put forward. My hope is at the end of this week we will have passed that legislation. It is a delicate compromise and balance and, God willing, our friends in the House of Representatives will accept that and the President will sign it into law.

I thank the Senator.

Mr. GRASSLEY. I thank my colleague from Delaware, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that I be able to speak for as much time as I consume in morning business.

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

THE TAX CODE

Mr. DORGAN. Mr. President, something is happening in our Tax Code that very few people understand, and I wanted to call it to their attention.

There is something going on called repatriation, which is a $2 word that probably people won't understand. But I want to explain it.

Repatriation is a process by which U.S. companies that have moved some operations overseas, begun to manufacture and sell products overseas and made income overseas, are able to bring their profits back into this country.

When an American corporation makes a profit as a result of selling overseas, or producing overseas—we have something in this country called deferral in our tax law. It says you can defer paying taxes on your foreign profits as long as you don't bring them back into this country. But when you bring them back—which is called repatriation—then you must pay taxes like everybody else does.

Let's take Huffy bicycle company, for example. The Huffy bicycle company made bicycles for almost 100 years in this country. They sold them in Wal-Mart, Sears, and Kmart. Huffy then shut down their plants in the United States, and got rid of their workers. Today Huffy bicycles are still sold in the United States but they are made in China for roughly 30 cents or 40 cents an hour labor by people who work 7 days a week, 10 to 12 hours a day. The company decided they should actually manufacture their bicycles in China and presumably make more money.

What happens to that income? We have a perverse and insidious provision in our tax law that says, shut your manufacturing plant, move those jobs overseas, and we will give you a deal. You don't have to pay taxes on the profits that you once made in the United States when you made that bicycle or the Radio Flyer little red wagon, which is now made in China, or the Newton cookies, but now earn on the same products made overseas until you bring those profits back to the United States. Only then do you have to pay taxes. That is the deal.

Whenever companies defer their tax obligation, they understand that when they repatriate the income to the U.S., they are going to have to pay taxes. But they got a special deal, as is always the case, it seems.

Last year a bill was passed with a tiny, little provision which was very controversial. I opposed the provision, but it got passed. The special deal is that the repatriation of income back into this country now by companies that earned that income overseas—in some cases by moving their American jobs overseas—now get to pay taxes at the 5¼ percent tax rate.

What prompts me to come to the floor to talk about this, despite the fact I opposed this last year, was a New York Times article that says, ''Hitting the Tax Break Jackpot.''

Let me quote a part of it.

> When Congress passed a one-time tax break on foreign profits last fall, lawmakers said their main purpose was to encourage American companies to build new operations and hire more workers here at home. But as corporations are gearing up to bring tens of billions of dollars back to the United States this year, adding jobs is far from their highest priority. Indeed, some companies say they might end up cutting their workforces here in the U.S.
>
> Hewlett-Packard, which has accumulated $14 billion in profits and lobbied intensely for the tax break, announced January 10 that it would continue to reduce its workforce this year. That would come on top of more than 25,000 jobs eliminated during the previous 3 years.

We have a provision in tax law now that says to these companies that have earned this money overseas, you deferred taxes on them previously, now you are going to bring them back. We encouraged them to bring them back. And, by the way, while all the other American people are working and paying income taxes—and, yes, those at the bottom of the ladder who pay income taxes pay the lowest rate of 10 percent but it is 10 percent, 15 percent, up to 35 percent, despite the fact everybody else is going to pay a higher rate of taxes—you repatriate those profits, and we will allow you to pay an income tax rate of 5¼ percent.

There was a Governor of Texas named Ma Ferguson. Ma Ferguson became Governor of Texas, I believe, when her husband died. As Governor of Texas, Ma Ferguson got involved in a very controversial issue dealing with some sort of initiative in Texas about English only. She held a press conference. She held up a Bible. She said: If English is good enough for Jesus, it is good enough for Texas.

She didn't quite understand, I guess.

But the good enough concept is something we all talk about here. If the 5¼ percent income tax rate is good enough for the biggest corporations in this country that have moved jobs overseas, and now bring profits back and get to pay 5¼ percent, why is it not good enough for the Olsens, Johnsons, and the Larsens? Those are names from my hometown. Why is it not good enough for the people living down the street, or up the block, or on the farm who may pay multiples of this tax rate?

Let me show a chart. These companies aren't doing anything wrong.

These companies are simply going to benefit handsomely from what this Congress did for them—to say to them: By the way, we will give you a very special deal. This is Exxon Mobil, IBM, Hewlett-Packard, Pepsi-Cola, and so on—unpatriated foreign earnings totaling tens of billions of dollars. And they get to pay income taxes at 5¼ percent. That sounds like a sales tax, doesn't it? That sounds like a sales tax and not an income tax. But do average folks get to pay an income tax at 5¼? No. Nobody else does.

It kind of reminds me Tom Paxton's old song. He seemed to be able to say it in kind of a simple way. He got all excited—this folksinger—when the Congress gave a big, old loan to Chrysler Corporation. So he wrote a song saying, ''I'm Changing My Name to Chrysler.''

Oh the price of gold is rising out of sight, and the dollar is in sorry shape tonight, what a dollar used to get us now won't get a head of lettuce. No the economic forecast isn't bright.

He says:

I'm changing my name to Chrysler. I am going down to Washington, DC, I will tell some power broker, ''What you did for Iacocca would be perfectly acceptable to me.''

Maybe he would want to write a couple more verses. Maybe he would like to pay income taxes at 5¼ percent. Maybe every citizen of my home State of North Dakota would like to be able to pay a 5¼ percent income tax rate.

If it is good enough for Exxon Mobil, why isn't it good enough for my citizens, or good enough for all the citizens of this country?

This was done last year with very little debate; just stuck in a big old bill and says it is going to create jobs. Let us give a special deal to some big old economic interests. Nobody will care and nobody will know.

Now we see the result—hitting the tax break jackpot. Those who are going to get the biggest benefits as a result of the generosity which I think has probably not ever been given before. All of these companies expected that the profits they earned overseas would be taxed at the regular tax rate when they brought the profits back. That is what they were told. That is what the deal was. That is what the deferral was in the Tax Code.

Guess what. They got a big old fat tax break unlike any that is given to any other American citizen. They get to pay 5.25 percent.

By the way, they boast that they would be creating jobs and that now appears not to be true. Some of the same companies that moved their American jobs overseas to boost foreign profits now get a special deal back home to pay lower taxes than virtually any other American citizen.

Congress ought to hang its head and maybe Tom Paxton ought to write another song: If it is good enough for Hewlett-Packard and good enough for Exxon Mobil, it ought to be good enough for constituents who live up the block and down the street and on the farm in this country.

Enough about that. These things happen behind closed doors with little debate and great complexity and people do not understand. Somehow at the end of the day it is always kind of the cake and crumbs approach to public policy: The big interests get the cake; the little folks get the crumbs and hope everyone is happy and nobody debates too much about it.

SOCIAL SECURITY

There is a lot of this influence in the Social Security debate. I will talk for a moment about that. I also will talk about the budget that was offered yesterday. The Social Security debate is an example of this strange approach to public policy.

Social Security was created in 1935. The first monthly benefit was paid in 1940. Social Security has lifted tens of millions of senior citizens out of poverty. Fifty percent of America's elderly were living in poverty when Social Security was enacted. Today it is less than 10 percent.

The fact is, Social Security works. It has been a Godsend for a lot of people who reach retirement age. Social Security is the one dependable source of income they know will be there. It is the social insurance that they have paid for over all the years when they worked. Social Security includes not only old-age retirement benefits but also provides disability and survivor benefits. It is the one piece of that social insurance that workers knew would be there, and it has always been there.

Now, in 1983, a commission said, when the baby boomers retire, they will hit the retirement rolls like a tidal wave.

After the Second World War, the soldiers came home. We have all seen the pictures. We beat back the oppression of Hitler and Nazism. What a wonderful time. There was a great outpouring of romance and affection when the soldiers got home. We had the biggest baby crop in the history of the world. We had a lot of babies. Those GIs came home; they had families; they raised families; they built schools; they created jobs; they went to college on the GI bill. They built this country.

There comes a time, then, when the baby boomers will retire and we have a strain on the Social Security system. So we decided to save for that. This year, for example, we collected Social Security taxes from worker paychecks—$151 billion more than needed to pay out current Social Security benefits. We are doing that every year. This will help grow Social Security trust assets to over $5 trillion by 2018.

The President said the other night something that is not right or not accurate. He said, in the year 2018, the Social Security system will be paying out more than it takes in. That is just flat wrong. Our colleague, Daniel Patrick Moynihan, once said everyone is entitled to their own opinion but not everyone is entitled to their own set of facts.

In the year 2018, the Social Security system will be taking in taxes from paychecks as well as a substantial amount of interest that will exist on the Treasury bonds that have been accruing over these many years in the Social Security trust. This interest, along with the tax collected from paychecks, will far exceed that which is necessary to be paid out. It is the year 2042 or 2052, according to either the Social Security actuaries or the Congressional Budget Office, where we hit the point we can no longer pay full benefits. It is not bankrupt at that point, but unless we make some adjustment, we cannot pay full benefits.

The President's proposal for private accounts, however, anticipates a level of investment return on private accounts that, if realized, means the economic growth in the country would put Social Security in a position where it would not have a problem at all for the long term. With that kind of economic growth as projected by the President, there will be no problem in Social Security. It will meet its obligations over the long term.

But we have a circumstance now where the President and Administration official say Social Security is in crisis, it is bankrupt, it is flat bust, depending on whom you listen to. The purpose of using that language is to convince people there is a very serious problem here. There may need to be some adjustments because people are living longer, better, and healthier lives. But there is not a crisis that justifies taking the Social Security system apart, which is what the President proposes to do.

He proposes several things, none of which he talks about but all of which are part of his plan: First, borrow a great deal of money, from $1 to $3 trillion. Second, change the indexing in Social Security and cut benefits. Under his plan, you are borrowing money, cutting benefits, investing the borrowed money in the stock market, and hoping in the end it comes out all right.

All the indications I have seen, whether from the Congressional Budget Office or the Brookings Institution or others, say that workers will come out further behind, not ahead, as a result of this plan.

The question, What should we do, is answered, we preserve, protect, and strengthen Social Security. This program works. It is probably true that almost none of those who are proposing these changes—borrowing money and putting it in private accounts and taking the Social Security system apart—

will ever have to worry about Social Security. Almost all of them will have sufficient assets to not be too worried about Social Security for themselves. But there are a lot of people in this country who do worry about Social Security. It has always been there and can always be there as part of the social insurance that represents the foundation of retirement security.

Retirement security has two parts. One part is the guaranteed insurance on which we pay premiums in the form of taxes every month from our paychecks. That is always there. The second part in retirement security is private investments, 401(k)s, IRAs, and others. I support that. I believe we ought to do even more to incentivize private investments. But we should do that without taking apart the Social Security Program.

THE BUDGET

Now, finally, I mention the budget. The budget offered yesterday is a budget that has a great many controversial issues. All Members would agree we have the largest deficits in the history of this country. This country is way off track in fiscal policy. It needs to be put on track. It is not just fiscal policy. Fiscal and trade policy, between them, contributed somewhere between $1 to $1.2 trillion in debt just in the last year. That is unsustainable. You cannot continue to do that.

The trade deficit we will know on Thursday of this week, but the trade deficit is somewhere around $600 to $700 billion—just in the past year. The fiscal policy budget deficit is somewhere around $560 billion. This country cannot continue it do this. It is off track.

We have to put it on track.

The budget that was offered yesterday claims that we will have a budget deficit this year of roughly $427 billion. The fact is that figure takes the Social Security tax money we are supposed to be putting into Social Security and uses it to make the deficit look smaller. The real budget deficit for the current year is expected to be about $587 billion, and although that is the real deficit, that does not include the costs of Iraq, Afghanistan, and prosecuting the war because the President does not include that in the budget. Why? Because he says we do not know what it will cost despite the fact we have known for a long while it is costing at least $5 billion a month. He is now saying, I want you to approve an extra $80 billion in emergency funding. So we have roughly a $580 billion out-of-balance budget that does not even include the extra money that is necessary that the President knows he will ask Congress to spend on Iraq and Afghanistan and the military budget.

You could get a much better grip on what all this costs by taking a look at the numbers in his proposed budget dealing with gross debt. He is proposing about a $677 billion increase in gross federal debt next year versus this year. So that is the real measure of how much we are spending that we do not have—a $677 billion increase in gross debt.

Now, we know we have to tighten our belt. There are some things in the budget I agree with, some I do not. I do not agree that, for example, we ought to shut down Amtrak except for the east coast. That is what the President wants to do. I do not support that. I think rail passenger service strengthens this country and it is good for this country.

I do not agree that we should cut back on Indian tribal colleges. It is the one step up and out of poverty and toward hope and opportunity that has been remarkably successful. I could go through a list of things where I might disagree.

On the spending side, I do not agree with the President that we ought to begin building earth-penetrating, bunker-busting, designer nuclear weapons. What on Earth is that about? Spending money to build more nuclear weapons? Bunker busters? I do not understand that. Not only is it the wrong message for the world, it is spending money we do not have on things we do not need.

Let me give you an example of a little program in this budget that we have spent almost $200 million on over the years. It is Television Marti. It is this country deciding to send television signals to the Cuban people to tell them how good things are outside of Cuba. Well, I visited Cuba. The Cuban people know how good things are outside of Cuba. That is why they try to escape Cuba.

It is interesting, we spend all this money on Television Marti to broadcast into Cuba. We do it through Aerostat balloons, and now we do it with a sophisticated C–130 airplane, which is very expensive. And guess what. No Cubans see the television broadcasts. Oh, we broadcast. We have expensive studios and expensive people, and we have balloons, and we have airplanes, and we broadcast these television signals to the Cuban people. And the President wants to double the money for it, despite the fact that all those signals are jammed and the people do not see the broadcasts. I do not understand that.

What on Earth could they be thinking about? They are going to double funding for the broadcasting signals into Cuba that are jammed and that the Cuban people cannot see. In fact, one of the reasons he wants to double funding is he wants to buy another airplane for this program. So you talk about waste, it is unbelievable.

I think the most important point to make about the budget, however, is it is time for Republicans and Democrats, for the President and the Congress, to level with the American people. We have a fiscal policy that is reckless, is way out of control and is completely unsustainable. You cannot spend $677 billion that you do not have—not next year, not last year, not the year after next. You cannot have a trade deficit that is wildly out of balance. And you cannot have a Tax Code that incentivizes shutting down American factories and sending American jobs overseas. You cannot keep doing these things.

There are some who take a look at this place, and they see a bunch of windbags in blue suits, I suppose. They think we just talk, and occasionally, when the lights go out, we pass something like a 5.25 percent special tax break for the biggest economic interests.

The American people deserve for us to be serious about fiscal policy, about trade policy and about tax policy, and for us to begin to put together a plan to put this country back on track. It is not all the fault of one side or the other. But if both sides do not pull in the right direction, this country cannot provide economic health and opportunity and growth in the future.

What is happening in this country no one on this floor recognizes because no one in the Senate has lost a job because of outsourcing; no one here has lost a job because their plant was closed.

Let me again say, as I conclude, the people who worked for Huffy Bicycles know what that is like. The people who worked for Schwinn Bicycles know what that is like. The people who worked for Fig Newton know what that is like. The people who worked for Levi Strauss know what that is like. The people who made T-shirts and shorts for Fruit of the Loom know exactly what that is like. They all lost their jobs because they cannot compete with people who are willing to work for 30 cents an hour overseas. The employers have found a billion people on this Earth who are willing to do it. And they will not only work for 30 cents an hour, you can put them in factories and dump sewage and dump chemicals into the air and water. You can work them 7 days a week, and if they decide to create a union, you can fire all of them, just like that.

If this country does not get serious about stemming the outmigration of jobs and about stemming the hemorrhaging of red ink in international trade in our trade deficit and dealing with our fiscal policy and budget deficit, our economic future is not going to be a bright future.

We have far too much promise as a country to let this happen to us. We need leadership, yes, from the White House, and from Congress, to deal with serious things in a serious way. I hope that happens soon. I want to be a part of a group that is bipartisan that says let's put this country back on track. But I see precious little evidence of bipartisanship these days. The minute

you stand and talk about the facts, all of a sudden you are being excessively partisan, and the White House comes after you; to wit, the story yesterday about the RNC and what they have decided to do with respect to Senator REID.

Well, there is a lot at stake in this Congress and this President getting it right for a change: on budgets, on trade, on taxes. And I, for one, hope we can begin a serious discussion about serious issues in the days ahead and give people some hope that their future will be a brighter and better future.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak about the Class Action Fairness Act. It is the pending business before the body today. I want to spend a few minutes talking about this bill and talking about it in the context of some of the issues that the prior speaker has spoken about, the Senator from North Dakota, whom I have worked with on a number of issues over time. We agree on some issues; we disagree on some. We hopefully are going to be able to work together on a number of these issues.

I view this bill as a chance for us to grow the economy, as a chance for us to do something to create jobs and opportunities. We may disagree on what are the various issues and what we need to do to create those jobs, to address issues for people who have lost work in a certain area, and to create them in another area. But what we are dealing with in this class action reform bill, this Class Action Fairness Act—I serve on the Judiciary Committee; we passed this bill out on a bipartisan vote in the Judiciary Committee—is to try to deal with the legal system that is putting too much burden on business so that it cannot create jobs here, and so then those jobs and economic opportunities go somewhere else.

It was a bipartisan vote coming through the Judiciary Committee. If you look at the membership on that committee, you can see these are dedicated people from both sides of the aisle. But they look at this issue, and they say, here is a chance for us to reform a system, create growth and opportunity, create fairness within the country, within the system.

That is the overall way we ought to be going. That is what we ought to be doing. That is why this is one of the lead substantive bills coming from the Senate right now. That is why we are hopeful of keeping it amendment free, so we can get it through the House, passed, and on to the President, so the American people can see some product, and they can see us dealing with a problem that they believe is there: too much litigation, litigation where it is not fair, litigation in ways that tend to help lawyers more than helping people—lawyers are people, but tending to help the lawyers who are bringing the case more than the people who are supposed to be attracted and dealt with in the case and in the class.

The prior speaker spoke about a number of different problems we have. The budget deficit, clearly that is an issue. Clearly that is a problem for the country. Clearly, that is something the President puts down a mark to try to correct. I think the President is right on moving to cut the deficit in half in 5 years. I think we need to go further and balance in 7 years.

Now, you say, well, wait a minute, how are you going to do that? We have done it before. We do it the same way the next time that we did it the last time; that is, you get the economy growing and sustain that growth in the economy. It kicks off a lot of receipts that way. Right now the economy is growing. It has started to move again. We have had some lethargic times, but it is growing, it is moving, it is creating jobs, and that creates receipts at the Government level—Federal, State, and local. That is starting to happen.

The second piece of that equation is you have to restrain your growth of Federal spending. As your receipts go up, you cannot spend it at the same rate. You have to spend it at a slower rate. That is what the President is trying to do with this budget. He is saying, OK, if we can get this type of growth, we will have a slower rate of growth in the spending areas. You have to spend it in more prioritized areas.

Clearly, the war on terrorism, homeland defense, key areas, and several others the President has identified, that is how we are going to get at the deficit. I don't agree with the whole budget document put forward. I do agree with the structure of the plan, that we get the deficit cut in half in five and, as I say, I believe we need to get it balanced in seven, so we can hand it over to the next generation in a balanced situation.

One plug I want to put in is, a number of us put forward a bill previously to create an overall commission within the Federal Government to identify programs that maybe have accomplished their purposes and we need to go on and do something differently and zero out programs and to identify those that have accomplished their mission or are wasteful Government spending and propose to the Congress to zero them out, and then the commission give the Congress one vote on a whole package of bills. Maybe it is 53 total programs that need to be, maybe it is 253 that need to be eliminated. Give the Congress one vote to eliminate all of them, keep them all, unamendable, and by that means then us starting to cut at some of the wasteful spending, which we do, which takes place.

We used this sort of structured program to get at our military bases where we had too many bases around the country, and we used this to get fewer bases and to get those bases the needed resources to serve our troops. I want to use the same model throughout the Federal Government. That is the way we can get at the budget.

The previous speaker also spoke about Social Security. One of the problems he identified and that has been spoken about is that we run a surplus in Social Security and then that is spent in Government and then you borrow against the Federal Government for that. One of the beauties of creating personal accounts in Social Security is the Government can't spend that money. That is then the money of the individual, and there is actually something there, instead of this Government borrowing on one hand off of the Social Security account and on another hand. So that when we get to about 2013, we are no longer running a surplus in Social Security, we are running a deficit. And then the Government has to borrow in other places to pay Social Security.

That is not a good situation. That is an untenable situation. That is not the sort of country or structure we want to turn over to our kids. That is why this need to look at personal accounts, so that the money is not spent, the money is safe. We get a higher rate of return. We get a rate of return on these funds.

But our business at hand today is on the Class Action Fairness Act. This bill needs to pass. I believe it will pass. I believe it will pass with a substantial bipartisan vote. And the reason it will pass is we need this to reform this portion of our legal system.

Class action lawsuits allow plaintiffs whose injuries might not be worth enough to justify bringing individual suits to combine their claims into one lawsuit against a common defendant. That is the nature of a class action. It is to try to create a more efficient and equitable distribution. Class actions are a valuable part of the legal system. However, some trial lawyers have found a weakness in the current system and developed a class action practice devoted to finding opportunities to, in some cases, extract payments from American businesses.

Currently in diversity cases, where plaintiffs reside in different States, trial lawyers can forum shop. That means they can go to a place where they think they will get a better jury, they think they will get better treatment rather than fair treatment, or a setting where the parties actually reside. Once a class action is certified, they can force businesses into paying expensive settlements, so it becomes an extractive process that way.

Due to this abuse in the system, injured plaintiffs are not getting the recourse they are supposed to get through class actions. It is documented that the legal system returns less than

50 cents on the dollar to the people it is established to help and only 22 cents to compensate for economic losses. Although injured plaintiffs are receiving little of value in class action settlements, unfortunately, we are seeing in too many cases trial lawyers obtaining large windfalls.

I will give a couple of examples. One well-known example is the 2001 case against Blockbuster. Customers alleged they were charged excessive late fees for video rentals and received $1 coupons for the next trip to the video store, while their attorneys received over $9 million. That is a lot of videos.

Similarly, in Shields v. Bridgestone/Firestone, a 2003 suit was filed for customers who had Firestone tires that were among those the Government investigated or recalled but who did not suffer any personal injury or property damage. After a Federal appeals court rejected class certification, they rejected certifying that this was a class, both sides negotiated a settlement which has received preliminary approval of a Texas State court. Under the agreement, the company is to redesign certain tires, a move already under way, irrespective of the lawsuit, and to develop a 3-year consumer education and awareness campaign. But the members of the class, the actual members of the class, the plaintiffs, received nothing. However, if the court gives final approval, the lawyers will get $19 million.

Over the past decade, class action lawsuits have grown by over 1,000 percent nationwide, spurring a mass of these kinds of hasty, unjust settlements. This is because even if the class certification ruling is unmerited or even unconstitutional, it often cannot be appealed until after an expensive trial on the merits of the case. Facing the cost of litigation often forces defendants to settle out of court with sizable payments, even when the defendant will likely prevail under the law. These settlements have come to be known as a form of traditional blackmail and are problematic to all Americans because they make trial lawyers rich while imposing increased costs on the economy, causing lower wages and higher prices for consumers. They also create an environment of unpredictable litigation costs and serve to chill the investment, entrepreneurship, and the capital needed for job creation. In short, class action abuse shortchanges true victims while severely damaging the economic engines in this country.

That is not to say all class actions are wrong, and this bill doesn't impact legitimate class actions. It basically deals with the issue of forum shopping. Class actions are still going to be brought. They still will be brought. They still need to be brought in this country. But you take away this issue, particularly this issue on forum shopping.

In response to the growing crisis in class actions, Senator GRASSLEY has authored the Class Action Fairness Act. It is a moderate, bipartisan approach that addresses the most serious of the class action abuses by allowing more large interstate class actions to be heard in Federal courts and by implementing a consumer class action bill of rights that protects consumers from some of the most egregious abuses in class action practice today.

The bill is the result of a bipartisan compromise reached with Senators DODD, LANDRIEU, and SCHUMER in the last session of Congress that narrowed the group of cases that would be removable to Federal court and added a Democratic provision put forward by the Democratic Members to build attorney's fees in coupon settlement cases. It is important to remember that this bill is merely court procedure reform that will go a long way to end abusive forum shopping.

S. 5 does not alter substantive law at all or otherwise affect any injured individual's right to seek redress or to obtain damages. It does not limit damages, including punitive damages. It does not limit those. It does not impose stricter pleading requirements. Rather, the Federal courts will continue to apply the appropriate State or States' laws in adjudicating a class action suit.

Some of the critics of this legislation have stated that S. 5 will move all class actions to the Federal courts, which will become clogged, resulting in a windfall for corporate defendants. The facts do not support this allegation.

First, while S. 5 does expand Federal court jurisdiction over class action, the bill is drafted to ensure that truly local disputes will continue to be litigated in State court. Most notably, the bill will leave in State court class actions in which the plaintiffs and defendants are all residents of the same State, class actions with fewer than 100 plaintiffs, class actions that involve less than $5 million, shareholder class actions alleging breaches of fiduciary duty, any class action in which a State government entity is a primary defendant, and any class actions brought against a company in its home State in which two-thirds or more of the class members are also residents of that State.

Secondly, the average State court judge is assigned three times as many cases as his or her Federal counterparts. State court judges are assigned, on average, about 1,500 new cases each year. For example, in California, the average judge was assigned 1,501 cases in 2001. In Florida, the average was 2,210. In New Jersey, the average was 2,620. In Texas, it was a little over 1,600 cases. In contrast, each Federal court judge was assigned an average of 518 new cases during the 12-month period ending September 30, 2002.

The exponential growth of State court class action filings over the last decade has added to the workload problem of State court judges who, in many cases, unlike their Federal counterparts, do not have a number of law clerks, magistrate judges, or special masters to help with particularly time-consuming tasks involving supervising complex cases. Since many State courts or tribunals of general jurisdiction hear all sorts of cases, from traffic violations, to divorces, to felonies, judges who are distracted by class actions do not have enough time to focus on providing basic legal services for the community that they serve.

Finally, recent surveys have shown that the majority of class actions in many jurisdictions would remain in State court under this bill. As far as those cases that could be heard in Federal court under S. 5, many of them involve copycat class actions filed in different jurisdictions, which Federal judges can consolidate under one judge. Therefore, moving more class actions to Federal court would actually reduce the burden for everyone.

Ultimately, this bill will allow claims with merit to go forward while preventing judicial blackmail. That has become, unfortunately, something involved in our judiciary today.

I urge my colleagues to vote a clean class action bill out of the Senate, to vote against any amendments that would dilute the bill and stop us from moving this reform forward, and that would help in job creation in the United States. This is a small measure. I think we should do more, but it is an appropriate measure. It moves us in the right direction. It helps in the creation of jobs in the United States and in litigation reform, which we desperately need in this country.

These sort of bipartisan, modest steps, while they won't have perhaps as big a positive impact as we would like them to have, will have a positive impact on the judicial system and in helping us to reform that. That is something we need to do. We need to move forward on the budget deficit, we need to move forward to make sure we have a true trust fund in Social Security, and we need to move forward in litigation reform. All these are positive steps for our future. I hope we can continue, as with this bill, to work it forward on a bipartisan basis.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3, AS MODIFIED

Mr. DURBIN. Mr. President, earlier I offered an amendment at the desk which needs to be modified. I ask that

the amendment, under the rules, be modified accordingly to reflect the pages and lines of the bill.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

On page 21, before the semicolon at the end of line 2, insert ''or by the court sua sponte''.

On page 21, line 9, strike ''solely''.

Mr. DURBIN. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

IRAQ VOTES FOR FREEDOM

Mr. ENSIGN. Mr. President, I rise to speak about the recent historic elections in Iraq—elections that had been anticipated by an anxious global community for some time.

This election is the story of true patriots who knew the odds and decided to beat them. This is the story of the millions of Iraqis who defied the threats and the intimidation of '' terrorists to cast their votes for a brighter future in Iraq.

News reports are flush with firsthand accounts from observers. The reports paint a picture of a people acting on their innate desire to be free.

One such account details the determination of Samir Hassan, who at 32 lost his leg in a car bomb blast last October. Hassan said, ''I would have crawled here if I had to. I don't want terrorists to kill other Iraqis like they tried to kill me. Today I am voting for peace.''

The act of voting by ordinary Iraqis in the face of extreme danger confirms President Bush's belief that people around the globe, when given a chance, will choose liberty and democracy over enslavement and tyranny. Human beings crave freedom at their core.

Early estimates by Iraq's Independent Electoral Commission show that about 8 million of the nearly 14 million registered voters cast their ballot on Sunday—a turnout almost equal to the number of Americans who voted last November without the threat of snipers or suicide bombers.

In the words of Arkan Mahmoud Jawad, who came to vote with his mother and younger brother, ''This is the salvation for the Iraqis. I hate the terrorists, and now, I am fighting them by my vote.''

These are people who were beaten down by the brutal regime of Saddam Hussein. That is exactly why they want to reclaim their country through these elections. They know what the cost of failure would be.

And they know all too well that tyranny breeds isolation. Any dissent from Saddam Hussein's regime could result in torture or death. Neighbors couldn't trust neighbors. Families were torn apart. All this leaves scars on a nation that may take generations to heal.

I believe that voting is the first act of building a community as well as building a country. With the election we saw a peaceful majority reclaiming their birthright. We saw people gaining courage from realizing that they were not alone—that their friends and neighbors and relatives were going to vote—and that they could vote too. Together they are building their future.

Here is one description of how voting progressed:

The first Iraqis on the streets seemed tense as well, not smiling and not waving back. But as the day unfolded, and more and more voters took to the streets, a momentum seemed to gather, and by mid-morning Karada's main street was jammed with people who had voted and people on their way to vote. Some Iraqis, walking out of the polling places, used their cellphones to call friends and urge them to come. Some banged on their neighbors' doors and dragged them out of bed. Old men rolled up in wheelchairs. Women came in groups, lining up in their long, black, head-to-toe abayas. The outpouring, which filled Karada's streets with Shiites, Christians and even some Sunnis, surprised the Iraqis themselves. When Ehab Al Bahir, a captain in the Iraqi Army, arrived at Marjayoon Primary School, he braced himself for insurgent attacks. The mortar shells arrived, as he anticipated, but so did the Iraqi voters, which he did not.

Voting was an act of defiance against the terrorists and an affirmation that Iraqis control their own destiny through self-government. The people of Iraq realize that a stable, successful, democratic Iraq can only come about if average Iraqis are willing to sacrifice to build it.

On Sunday, they rose to the occasion. Some lost their lives, but their lives were not lost in vain. I am convinced that a country by the Iraqi people and for the Iraqi people will be built on the foundation laid down by the voters on Sunday. And having sacrificed to gain a democratic Iraq, they won't let it go easily.

Baghdad's mayor was overwhelmed by the turnout of voters at city hall where thousands were celebrating and holding up their purple ink-stained fingers with pride. The mayor said, ''I cannot describe what I am seeing. It is incredible. This is a vote for the future, for the children, for the rule of law, for humanity, for love.'' It is truly a new beginning for Iraq.

The election in Iraq clearly demonstrates that Iraqi people are like people everywhere. They desire to create a future in an environment that is safe and allows them to reach their full potential as human beings, whatever that potential may be. The election did not occur in a vacuum. It is the latest and most dramatic example of Iraqis taking control of their country's destiny.

In less than a year, the Iraqi Regular Army and Intervention Forces have grown from one operational battalion to 21 battalions, with six more scheduled to become operational over the next month.

Last month, the Iraqi National Guard was incorporated into the Army, making a total of 68 Iraqi battalions conducting operations.

Today, the Iraqi Police Service has over 55,000 trained and equipped police officers, more than double the amount of just 6 months ago. More than 38,000 additional police are on duty and scheduled for training.

As of last month, more than 108,000 local Iraqis had been hired to work on U.S.-funded reconstruction projects, using as many local subcontractors as possible.

Yes, things are, indeed looking up for Iraq and the Iraqi people. But there is still hard work ahead. It is a difficult process to transform a society that has never known democracy. One hopeful sign occurred earlier this week when influential figures from the Sunni community signaled their willingness to engage the new Iraqi government and play a role in drafting the constitution. Thirteen parties, including a representative of the powerful Association of Muslim Scholars and other parties that boycotted the vote, agreed Thursday to take part in the drafting of the constitution, which will be the transitional parliament's main task. The leading Shiite candidate to be Iraq's new Prime Minister welcomed these overtures and said he was willing to ''offer the maximum'' to involve Sunni Arabs in the new government.

Yes, change takes time, and only time will tell if the Iraqi election will go down as one of the most important dates in modern history. I'm inclined to believe it will. But between now and when the history books are written it was enough, for me, to stand in awe of the courage of a free people half a world away.

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, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On September 24, 2004, a young man was attacked outside of a club in Davis, CA. The attack on the victim was apparently due to a case of mistaken identity. The victim in the case resembled a gay man known by the assailant, and the attack was motivated by the attacker's belief that the victim was gay. During the attack, the victim suffered a broken nose and was knocked unconscious by his assailant. The attacker repeatedly yelled slurs regarding the victim's sexual orientation during the assault.

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.

DEAN MEINEN

Mr. JOHNSON. Mr. President, I rise today to publicly recognize Dean Meinen of my D.C. staff on his contributions and accomplishments to my office and the State of South Dakota. For years, Dean Meinen has served as my economic development director. He is leaving my office to go work with Strategic Marketing Innovations, which represents science and technology firms throughout the country.

I know first hand that Dean has done a great deal to enhance opportunity and prosperity all across South Dakota. He is an extraordinarily talented person with a great deal of energy and ambition. Dean is not only a great friend, but a well-respected staffer throughout the U.S. Senate. He has earned the respect and admiration of all those who have had the opportunity to work with him. His passion and love for his work have improved the lives of countless South Dakotans. Dean's friendly demeanor and wealth of knowledge have helped him develop close relationships with his colleagues and with community leaders throughout our State. His tireless effort to dig for details and explore all sides of particular issues reflects both his skill and his dedication to his work.

I first met Dean when he was a fresh-faced young man that I hired for an entry-level mail processing job. I was impressed by his enthusiasm, his belief in the good people of South Dakota, and his political abilities that were developed well beyond his years. A few years later, I asked him to run my 1994 reelection campaign. After the campaign was over, I hired him back to do legislative work in my congressional office. For the past several years, he has served as my economic development director and has worked very hard to advance South Dakota's prosperity and to diversify our economy.

Dean's departure is a huge loss to South Dakota, and I personally know that he struggled with the decision to leave my office. His kind of leadership and character is exactly what the economic development community needs to evolve and succeed in the future. I wish but the best for him on all his exciting new challenges and opportunities. It is with great honor that I share his impressive accomplishments with my colleagues.

BLACK HISTORY MONTH

Mr. SMITH. Mr. President, each Congress I rise to honor February as Black History Month. Each February since 1926, our Nation has recognized the contributions of Black Americans to the history of our Nation.

This is no accident; February is a significant month in Black American history. Abolitionist Frederick Douglass, President Abraham Lincoln, and scholar and civil rights leader W.E.B. DuBois were born in the month of February. The 15th Amendment to the Constitution was ratified 132 years ago this month, preventing race discrimination in the right to vote. The National Association for the Advancement of Colored People was founded in February in New York City. Last Tuesday, February 1, was the 45th anniversary of the Greensboro Four's historic sit-in. And on February 25, 1870, this body welcomed its first black Senator, Hiram R. Revels of Mississippi.

In this important month I want to celebrate some of the contributions made by Black Americans in my home State of Oregon. Since Marcus Lopez, who sailed with Captain Robert Gray in 1788, became the first person of African descent known to set foot in Oregon, a great many Black Americans have helped shape the history of my State. Throughout this month, I will come to the floor to highlight some of their stories.

Beatrice Cannady moved to Oregon in 1910. Soon thereafter she married E.D. Cannady, who was the founder of the Advocate, Portland's only African-American newspaper at the time. Beatrice Cannady quickly became one of the most important civil rights activists in Oregon. Just 4 years after her arrival, she helped found Portland's chapter of the National Association for the Advancement of Colored People, NAACP. She eventually became the chief editor of the Advocate, and often used the newspaper as a pulpit from which to protest the State's discriminatory policies.

In 1922, Beatrice Cannady became the first African-American woman to be admitted to the Oregon Bar. She helped craft Oregon's first civil-rights legislation providing full access to public accommodations regardless of race or color. Although this legislation was ultimately defeated, she was successful in leading a drive to repeal the ''Black Laws'' of Oregon which excluded African-Americans from residing in the State.

Through the NAACP, Beatrice Cannady was instrumental in ending school segregation in Vernonia, OR and Longview, WA. She traveled throughout Oregon to give lectures in schools about African-American history, and hosted parties in an attempt to alleviate tensions between white and black members of communities. In 1932, she launched a campaign to represent Oregon's 5th Congressional District in Congress.

Although Beatrice Cannady moved away from Oregon in 1934, she will be remembered as one of Oregon's most influential civil rights pioneers.

She is only one example of the black men and women who changed the course of history in Oregon and in the United States. During the remainder of Black History Month, I will return to the floor to celebrate more Oregonians like Beatrice Cannady, whose contributions, while great, have not yet received the attention they deserve.

REAUTHORIZATION OF THE SECURE RURAL SCHOOLS ACT OF 2000

Mr. BURNS. Mr. President, today I rise in support of S. 267, to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000. I cosponsored the original 2000 act because it stabilized payments to Montana's timber producing counties.

In 1905, the establishment of the national forests removed over 150 million acres in the Western States, including 16 million acres in Montana, from future private property ownership. To compensate the States and counties for this loss of property tax revenue, Congress passed the Twenty-Five Percent Fund Act of 1908. The act provided that 25 percent of receipts from each national forest would be paid to the State and county where the national forest is located for the benefit of public schools and public roads. Until the decline of the timber harvest program, the 1908 act provided enough funding to the States and counties.

However, beginning in the 1990s both nationally and in Montana, the timber harvest program declined over 85 percent and Federal payments to State and county governments declined just as significantly. The reasons for the declining timber harvest are many; appeals and litigation by special interest groups, wildfires destroying valuable timber, internal Forest Service red-tape, and each of those issues needs to be addressed to ensure the Forest Service is meeting its obligation to restore

healthy forests and the communities that depend on them. This act is important because it doesn't punish schools and counties when timber harvests are uncertain.

In 2000, just like in 1908, Congress recognized these States and counties needed stability in the 25-percent payments in order to plan year to year and provide valuable services. Without the Secure Rural Schools Act, in 2004, Montana counties would have received only $6 million, rather than the $11.7 million provided under the 2000 act. The education of nearly 100,000 Montana schoolchildren in 170 school districts in 34 counties is affected by these payments.

Another benefit of the act is the ''full payment'' option. Under this option, counties can reserve 15 to 20 percent of the payment for title II, Public Land Projects. These project funds are allocated by a 15-person Resource Advisory Committee, RAC, comprised of tribal members, local elected officials, and Federal land user organizations.

Let me give you some examples of title II projects funded in Lincoln County, where the RAC allocated $1.6 million in project work that included improving soil and water quality at a ski area; restoration of a mile of bull trout and west slope cutthroat stream habitat; and road maintenance projects to improve water quality.

I have talked with county commissioners and other Montanans who are RAC members. The RACs have fostered a spirit of cooperation and focus on what everyone has in common and encourage stewardship of our national forests.

I can't think of anything better to celebrate the 100-year anniversary of our national forests than the reauthorization of the Secure Rural Schools and Community Self-Determination Act.

TRIBUTE TO LARRY JANEZICH

Mr. WARNER. Mr. President, I seek recognition today to pay tribute to an able and valued member of the Senate family, Larry Janezich, who retires this month after nearly four decades of service to this institution.

As a former chairman of the Senate Rules Committee, it was my pleasure to work closely with Larry and his staff as they managed coverage for Senate hearings, news conferences, and other media events during my time as head of that panel.

As chairman of the Joint Congressional Committee on the Presidential Inauguration in 1997, I had the opportunity to observe firsthand Larry's great skill in balancing the demands of the press who covered that historic event with the security concerns required by the Secret Service.

During that time, and for more than a quarter century, Larry served the news correspondents of the Senate and House with distinction. I ask unanimous consent to print in the RECORD the following thoughtful tribute to Larry from his colleague, Mike Viqueira, chairman of the Executive Committee of Correspondents of the Congressional Radio-TV Galleries.

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

FAREWELL TRIBUTE TO LARRY JANEZICH

(By Mike Viqueira, written with the assistance of Dean Norland of ABC News)

Larry came here when the Senate gallery was little more than a broom closet and has ended up devoting most of his life to the place. There were very few producers or ''off-airs'' in those days, just reporters who worked on typewriters and used dial telephones. The wire machines clacked and ticked . . . someone had to rip them and post them, and change the ribbon. You could smoke a cigar in the gallery studio and there was a leather couch in case someone wanted to take a nap.

There were no live shots. If it were a really big event and you wanted to go live, then you had to get the phone company out here to install a cable about as thick as your thumb, and only 3 or 4 film crews showed up for news conferences in the tiny studio.

Larry has seen and been a part of a lot of history during his tenure . . . from Watergate hearings . . . debates over wars from Vietnam to Iraq . . . the Clarence Thomas hearings . . . Inaugurations of presidents and the impeachment trial of one of them. He was here when terrorists set off explosions on the Senate side. Those are just the most notable events.

But what we don't often consider is all the little, day-to-day, year-to-year jobs that the gallery director handles for our membership . . . from stewardship of the TASC funds to the compilation of the minutes of these very meetings, Larry has done it all with conscientious professionalism. He has worked too many late nights to even remember and assuredly had to change many vacation plans, tailoring his life to the whims and caprice of the U.S. Senate.

Larry is both a loyal Senate employee and a student of the institution, and there can be no doubt that he cares very passionately about what happens here. He has always tried to strike a fair balance between the government and the press; to negotiate fairly the no-man's-land that describes the relationship between the two.

His job is an interesting one. No doubt it is sometimes enjoyable, and sometimes difficult. Larry is not only a very good cook (his polenta is said to be top notch) but an ardent Dylan fan. So, now as you put the Capitol in the rear view, it's time to go out and enjoy life. So Larry, remember that even though it's all over now, Baby Blue*, don't think twice, it's alright.**

*''It's All Over Now, Baby Blue'' by Bob Dylan, Copyright© 1965; renewed 1993 Special Rider Music

**''Don't Think Twice, It's Alright'' by Bob Dylan, Copyright© 1963; renewed 1991 Special Rider Music

Mr. WARNER. Mr. President, I think it is fair to say that each of us in the Senate joins Larry's colleagues in offering this tribute and we wish him best of luck in his retirement.

ADDITIONAL STATEMENTS

TRIBUTE TO SOUTHWEST MISSOURI STATE UNIVERSITY

• Mr. BOND. Mr. President, I wish to recognize the 100th anniversary of Southwest Missouri State University. The university was founded March 17, 1905, in Springfield as Missouri State Normal School, Fourth District, and has ''Dared to Excel'' for the past 100 years.

The Southwest Missouri State University System, including its campuses in West Plains and Mountain Grove, are celebrating their centennial year from July 1, 2004, through June 30, 2005.

The ''Dare to Excel'' theme is most appropriate for this university that has never rested on its laurels. To quote SMS President John H. Kaiser, ''Over the first 100 years of its existence, the institution has changed dramatically. But one thing has remained the same: SMS has opened the door of opportunity for young people from Springfield, the region, the state, the nation and now, world. The Centennial year will be one of celebration, but it also will be one of reflection and re-dedication to that noble purpose. The result will be the new long-range plan, Daring to Excel, which will take the institution from 2005 to 2010.''

Southwest Missouri State University has ''opened the door of opportunity'' for students the past century. Its faculty, staff, and students have distinguished themselves in academics, in research, in public service, and in cocurricular activities. Offering more than 150 undergraduate and 43 graduate academic programs, SMS is committed to helping students succeed in their own lives and as active citizens.

During its 100 years, the university has had four names—Missouri State Normal School, Fourth District; Southwest Missouri State Teachers College; Southwest Missouri State College; and Southwest Missouri State University—changed each time to more accurately reflect what the institution has become.

There have been significant changes at the institution over the past 100 years. Since its founding, it has seen its student population grow from 173 to over 20,000. The full-time faculty has increased from 8 to 718, and the academic programs have grown from one to nearly 200. In 1006 there was one building, but now there are 61.

Since 1995, Southwest Missouri State University has been further distinguished by its statewide public affairs mission and has had a profound effect on Springfield, southwest Missouri, the entire State, the Nation, and the world. It has contributed to the economic development of the region and the State, impacting the area economy by nearly $2 million per day.

It is fitting that March 17, 2005, be proclaimed ''Southwest Missouri State

University Founders Day,'' with sincere appreciation and appropriate celebration of the significant contributions the institution has made to the citizens of Missouri and the nation over the past 100 years.

Southwest Missouri State University was founded March 17, 1905, in Springfield as Missouri State Normal School, Fourth District, and has ''Dared to Excel'' for the past 100 years. The Southwest Missouri State University System, including its campuses in West Plains and Mountain Grove, are celebrating the centennial year from July 1, 2004, through June 30, 2005; and

During its 100 years, the institution has successfully operated under four names: Missouri State Normal School, Fourth District; Southwest Missouri State Teachers College; Southwest Missouri State College; and Southwest Missouri State University.

The institution has ''opened the door of opportunity'' for students for the past century; and its faculty, staff, and students have distinguished themselves in academics, in research, in public service, and in cocurricular activities.

Since 1995, SMS has been further distinguished by its statewide public affairs mission and has had a profound effect on Springfield, southwest Missouri, the entire State, the Nation, and the world. It has contributed to the economic development of the region and the State, impacting the area economy by nearly $2 million per day.

Southwest Missouri State University has improved the quality of life for citizens in Springfield, the region, and the State and the future is bright for the 21st century.

I am proud to request that Thursday, March 17, 2005, be proclaimed ''Southwest Missouri State University Founders Day,'' with sincere appreciation and appropriate celebration of the significant contributions the institution has made to the citizens of Missouri and the nation over the past 100 years.●

TRIBUTE TO BILL SINCLAIR

● Mr. ALLARD. Mr. President, today I pay tribute to William ''Bill'' Sinclair. Bill is a cum laude alumnus of St. Martins College in Olympia, WA and he has done graduate work in Finance and Administration at Emory University in Atlanta. Bill is currently self-employed as a consultant in fundraising for churches and other nonprofit corporations in the western United States. Throughout his life, Bill has given his time generously to worthy causes, dedicated to the betterment of our community and nation.

Bill has been heavily involved in the Colorado Springs community. He is the past president of Downtown Rotary Club. He is a 1982 graduate of Citizens' Goals for Colorado Springs Leadership Training. He served on the Board of Directors of CHINS–UP from 1983 to 1987. In 1987 the El Paso County Commissioners appointed him to the Board of Directors of the Pikes Peak Center, where he served until 1993 and was chairman of the board. He is past president of the board of directors of the Pioneers Museum Foundation and past president of the Pikes Peak Chapter of the Retired Officers Association.

Bill has been active in the political arena since retiring from the military. He is a graduate of the Republican Leadership Program, class of 1990. Bill is also a member of the El Paso County Republican Men's Club, and is a graduate of the Colorado Republican Campaign School. He was elected to the Colorado House of Representatives in 1996, 1998, 2000 and 2002. Term limits is the reason he isn't running again however, he isn't about to sit still and do nothing. The governor recently appointed him to the State Board of Veterans Affairs. As a member of Veterans Affairs his goal is to create a veterans cemetery in El Paso County.

Mr. Sinclair has lived in Colorado Springs, CO, for 30 years. He and his family moved there upon retiring from the United States Air Force as a colonel. He is a command pilot and a combat veteran of three wars—World War II, Korea and Vietnam. Bill and his wife, Barbara have two children where they attended Colorado Springs schools and Colorado universities. Bill and Barbara have five wonderful grandchildren and spend as much time with them as they possibly can.

It is not often that we are able to pay adequate tribute to our Nation's community leaders. I truly believe that Bill Sinclair is an exemplary citizen and worthy of our thanks.●

RETIREMENT OF HAROLD J. HOWRIGAN OF FAIRFIELD, VT

● Mr. LEAHY. Mr. President, I am pleased to take this opportunity to commend a longtime friend and adviser who has spent his career in service to Vermont and American agriculture, Harold J. Howrigan of Fairfield, VT.

Harold has served the dairy industry long and well, bringing his farmer's ingenuity, common sense and perseverance to his efforts. He has served on the St. Albans Co-operative Board of Directors since 1981 and at the upcoming 2005 Annual Meeting he will be stepping down to enjoy time with his family on their home farm in Fairfield.

Harold, his wife Anne and their sons operate two farms comprised of over 500 head of cattle, some 1,800 acres of cropland and forest, including a significant maple sugaring operation. Harold and Anne have opened their home and the farm to many dairy industry leaders, international dignitaries, government officials, co-op customers and, I daresay, even a campaign commercial or two along the way. Anyone who has had the good fortune to visit the Howrigans enjoys the beautiful views and witnesses the hard work and pride that Harold and his family take in the stewardship of their farming operations.

As much as he loves that line of Fairfield hills, Harold has spent considerable time away from his farming operation serving his community and Vermont agriculture. Locally, Harold is active in the St. Patrick's Church and the Franklin County Maple Producers Co-op. On the State level, he has served as president of the Green Mountain Dairy Farmers Federation of Cooperatives and as a director with both the Vermont Maple Sugar Makers Association and the Vermont Dairy Promotion Council.

Regionally, Harold was the chairperson of the Vermont Northeast Interstate Dairy Compact Commission. In fact, Harold's tireless efforts were a key force in the establishment and successful implementation of the Northeast Interstate Dairy Compact. The long-standing relationship between Harold and the Cooperative with the Vermont Congressional Delegation was critical in the passage of the Northeast Interstate Dairy Compact at the national level which provided stability to dairy farmer income without adverse effects on consumers. He has also served as Chair of the Council of Northeast Farmer Cooperatives.

In addition to championing the Compact, Harold has been active in other national dairy industry organizations serving the interests of dairy farmers beyond Vermont on the U.S. Dairy Export Council, and the National Milk Producers Federation. As Chair of the National Dairy Promotion and Research Board, he was awarded the Richard E. Ling Award for the distinguished service in January of 2001.

The St. Albans Cooperative Creamery was most fortunate to benefit from Harold's leadership over his years as Director beginning in 1981, and as board president since 1988. In his 24 years with the Cooperative, Harold has seen the Cooperative increase in yearly milk volume to over a billion pounds, build a partnership with Ben & Jerry's ice cream, expand its territory into New York State, acquire the Independent Dairymen's Association and develop a strategic relationship with Dairy Farmers of America and Dairy Marketing Services.

Throughout his distinguished career, Harold has remained among my most trusted advisers on farm policy. I know that I can always count on him to provide the unvarnished truth, based on experience forged on a Vermont dairy farm with its tradition of hard work, common sense, simplicity, love of family and service to community, state and country. I join countless Vermonters and Americans as we all thank Harold for his years of service and consider myself fortunate to call him my friend.●

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 nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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–606. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual surplus property report for fiscal year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–607. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on infertility and the prevention of sexually transmitted diseases from 2000 to 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–608. A communication from the Human Resource Specialist, Department of Labor, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Secretary for Occupational Safety and Health Administration, received on February 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–609. A communication from the Secretary of Education, transmitting, pursuant to law, a report concerning surplus Federal real property disposed of to educational institutions; to the Committee on Health, Education, Labor, and Pensions.

EC–610. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner of Education and Statistics, received on January 25, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–611. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Special Education and Rehabilitative Services, received on January 25, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–612. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of the nomination confirmed for the position of Under Secretary, received on January 25, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–613. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary, on January 25, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–614. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Cardiovascular and Neurological Devices; Reclassification of Two Embolization Devices'' (Doc. No. 20003N–0567) received on February 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–615. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Obstetrical and Gynecological Devices; Classification of the Assisted Reproduction Laser System'' (Doc. No. 2004N–0530) received on February 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–616. A communication from Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Scientifically Based Evaluation Methods—Notice of Final Priority'' (RIN1890–ZA00) received on February 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–617. A communication from Regulations Coordinator, Centers for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Vaccination Clinics; User Fees for Investigational New Drug (IND) Influenza Vaccine Services and Vaccines'' (RIN0920–AA11) received on January 25, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–618. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the six month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–619. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–620. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report on the Commission's management controls for fiscal year 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–621. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled '' OCC Guidelines Establishing Standards for National Banks' Residential Mortgage Lending Practices'' (RIN1557–AC93) received on February 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–622. A communication from the Secretary of Commerce, transmitting, pursuant to law, the 2005 Report on Foreign Policy Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–623. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''List of Communities Eligible for the Sale of Flood Insurance'' (Doc. No. FEMA–7774 (44 FR 64)) received on February 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–624. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (44 CFR 67) received on February 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–625. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (Doc. No. FEMA–D–7565 (44 CFR 67)) received on February 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–626. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (Doc. No. FEMA–7859 (44 CFR 64)) received on February 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–627. A communication from Assistant Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Certain Broker-Dealers Deemed Not To Be Investment Advisors'' (RIN 3235–AJ78) received on January 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–628. A communication from the General Council, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Credit Union Ownership of Fixed Assets'' received on February 1, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–629. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Procedure Notice on Surety'' (RIN 0575–AC60) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–630. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Direct Single Family Housing Loans and Grants'' (RIN0575–AC54) received on February 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–631. A communication from Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Increased Assessment Rate'' (Doc. No. FV05–989–1FR) received on February 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–632. A communication from Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California: Redistricting and Reappointment of Producer Membership on the California Olive Committee'' (Doc. No. FV04–932–2FR) received on February 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–633. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting,

pursuant to law, the report of a rule entitled ''Exemption of Organic Handlers from Assessments for Market Promotion Activities under Marketing Order Programs'' (Doc. No. FV03–900–1 FR) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–634. A communication from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Exempting Organic Handlers from Assessment by Research and Promotion Programs'' (RIN0581–AC15) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–635. A communication from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in South Texas; Decreased Assessment Rate'' (Doc. No. FV05–959–1 IFR) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–636. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Lamb Promotion and Research Program: Procedures for the Conduct of a Referendum'' (Doc. No. LS–04–06) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–637. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Appalachian, Florida, and Southeast Marketing Areas—Final Rule'' (AO–388–A16, AO–356–A38, and AO–366–A45; DA–04–07) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–638. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Civil Monetary Penalties for Inflation'' (RIN3038–AC13) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–639. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Background and Security Investigations in Proceedings Before Immigration Judges and the Board of Immigration Appeals'' (RIN1125–AA44) received on February 7, 2005; to the Committee on the Judiciary.

EC–640. A communication from the Assistant Chief, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Production of Dried Fruit and Honey Wines'' (RIN1513–AC21) received on February 7, 2005; to the Committee on the Judiciary.

EC–641. A communication from the Director, Regulatory Management Division, Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Execution of Removal Orders: Countries to Which Aliens May Be Removed'' (RIN1653–AA41) received on January 25, 2005; to the Committee on the Judiciary.

EC–642. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (WV–102–FOR) received on February 7, 2005; to the Committee on Energy and Natural Resources.

EC–643. A communication from the Secretary of Energy, transmitting, pursuant to law, the Fiscal Year 2004 Competitive Sourcing Activity Report; to the Committee on Energy and Natural Resources.

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. LAUTENBERG (for himself and Mr. CORZINE):

S. 308. A bill to require that Homeland Security grants related to terrorism preparedness and prevention be awarded based strictly on an assessment of risk, threat, and vulnera-
bilities; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEMINT (for himself, Mr. SALAZAR, and Mr. ENSIGN):

S. 309. A bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. REID):

S. 310. A bill to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself, Mrs. CLINTON, Ms. COLLINS, Mr. BINGAMAN, Ms. CANTWELL, Mr. COLEMAN, Mr. CORZINE, Ms. SNOWE, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. MURRAY, Mr. DEWINE, Mr. BAYH, Mr. REED, Mr. KERRY, Mr. SCHUMER, Mr. DAYTON, Mr. WYDEN, Mrs. LINCOLN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. NELSON of Florida, Ms. STABENOW, Mr. JOHNSON, Mr. LEAHY, Mr. KENNEDY, Mr. FEINGOLD, and Mr. SARBANES):

S. 311. A bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

By Mr. MCCAIN (for himself, Ms. CANTWELL, and Mr. LEAHY):

S. 312. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself, Mr. DOMENICI, Mr. HAGEL, Mr. REED, Mr. BIDEN, Mr. LEVIN, Ms. COLLINS, Mr. MCCAIN, and Mr. OBAMA):

S. 313. A bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations; to the Committee on Armed Services.

By Mr. CORNYN:

S. 314. A bill to protect consumers, creditors, workers, pensioners, shareholders, and small businesses, by reforming the rules governing venue in bankruptcy cases to combat forum shopping by corporate debtors; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 315. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 316. A bill to limit authority to delay notice of search warrants; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. AKAKA, Mr. BINGAMAN, Ms. CANTWELL, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. JEFFORDS, Mr. KENNEDY, and Mr. WYDEN):

S. 317. A bill to protect privacy by limiting the access of the Government to library, bookseller, and other personal records for foreign intelligence and counterintelligence purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 318. A bill to clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. KENNEDY):

S. 319. 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 Health, Education, Labor, and Pensions.

By Mr. ALLARD:

S. 320. A bill to require the Secretary of the Army to carry out a pilot project on compatible use buffers on real property bordering Fort Carson, Colorado, and for other purposes; to the Committee on Armed Services.

By Ms. SNOWE (for herself, Mr. KOHL, Mr. ROCKEFELLER, and Ms. LANDRIEU):

S. 321. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mrs. CLINTON, and Mr. SCHUMER):

S. 322. A bill to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TALENT:

S. 323. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, 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. REID:

S. Res. 43. A resolution designating the first day of April 2005 as ''National Asbestos Awareness Day''; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself and Mr. COLEMAN):

S. Res. 44. A resolution celebrating Black History Month; to the Committee on the Judiciary.

By Mr. ALLEN (for himself, Mr. WARNER, and Mr. SCHUMER):

S. Res. 45. A resolution commending the James Madison University Dukes football

team for winning the 2004 NCAA Division I–AA National Football Championship; considered and agreed to.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. HAGEL, and Mr. REID):

S. Res. 46. A resolution commemorating the life of the late Zurab Zhvania, former Prime Minister of the Republic of Georgia; considered and agreed to.

By Mr. DEWINE (for himself and Mr. BIDEN):

S. Con. Res. 10. A concurrent resolution raising awareness and encouraging prevention of stalking by establishing January 2006 as ''National Stalking Awareness Month''; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Con. Res. 11. A concurrent resolution honoring the Tuskegee Airmen for their bravery in fighting for our freedom in World War II, and for their contribution in creating an integrated United States Air Force; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. REID, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 20, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women's health care.

S. 50

At the request of Mr. INOUYE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 50, a bill to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes.

S. 77

At the request of Mr. SESSIONS, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 77, a bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

S. 119

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 177

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 177, a bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

S. 187

At the request of Mr. CORZINE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 187, a bill to limit the applicability of the annual updates to the allowance for States and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2005–2006, published in the Federal Register on December 23, 2004.

S. 233

At the request of Mr. ROBERTS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 233, a bill to increase the supply of quality child care.

S. 236

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 236, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 239

At the request of Mr. WYDEN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 239, a bill to reduce the costs of prescription drugs for medicare beneficiaries, and for other purposes.

S. 265

At the request of Mr. FRIST, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 265, a bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

S. 266

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 266, a bill to stop taxpayer funded Government propaganda.

S. 285

At the request of Mr. BOND, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 285, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 286

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 286, a bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount.

S. 288

At the request of Mr. GREGG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 288, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 290

At the request of Mr. BOND, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 290, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain hazard mitigation assistance.

S. 302

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 302, a bill to make improvements in the Foundation for the National Institutes of Health.

S. 304

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 304, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 304, supra.

S. 306

At the request of Ms. SNOWE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 306, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 308. A bill to require that Homeland Security grants related to terrorism preparedness and prevention be awarded based strictly on an assessment of risk, threat, and vulnerabilities; to the Committee on Homeland Security and Governmental Affairs.

Mr. LAUTENBERG. Mr. President, I rise today to speak on a matter of great significance to our State and to many States across the country: protecting our homeland from another terrorist attack.

Everyone is aware of how difficult the fight is against terrorism, wherever it takes place in the world, and the number of casualties we have experienced in Iraq, that manifests itself in Afghanistan and different countries. But one place we ought to be looking at in terms of protecting ourselves from terror is in the United States. We should not be skimping on the costs or resources available for Homeland Security. My colleague Senator CORZINE and I today are introducing a bill to ensure that Federal Homeland Security funds get sent where they are needed most.

On September 11, 2001, 700 of the people who lost their lives were from New Jersey. On that terrible day, people of north Jersey could see the smoke rising from the World Trade Center. From my own home, I look directly at the

World Trade Center. In my pre-Senate day, I was commissioner of the Port Authority of New York and New Jersey and had offices in the Trade Center and know what the hustle and bustle of life was there. Thousands and thousands of people were working in those two buildings, destroyed by a terrorist that went beyond the wildest imagination.

The New York-New Jersey region bore the brunt of those attacks on September 11. It continues to be the most at-risk area. We are not the only ones at risk. States such as Virginia, with their military installation, their ports, are also to be included, and a place of some threat, New Mexico, with Los Alamos, and Florida with its ports, and Texas with their ports. All of these States have to be on the alert all the time and need funds with which to protect themselves. So I hope we can all agree that homeland security funding ought to be targeted to those parts of the country most at risk of another terrorist attack.

Now, the 9/11 Commission agrees with this approach. They said:

Homeland security assistance should be based strictly—

''Strictly''—

on an assessment of risks and vulnerabilities.

They further say:

[F]ederal homeland security assistance should not remain a program for general revenue sharing.

I think we are all agreed they did a splendid job. This was a focal point for them. The 9/11 Commission reported homeland security money is too important to be caught up in porkbarrel politics. Unfortunately, our current homeland security funding is not based on risks and threats.

Under current law, 40 percent of all State homeland security grants, over $1 billion each year, are given out as revenue sharing. The system results in preposterous funding allocations.

For example, this year, New Jersey's homeland security grant was cut, reduced by 34 percent. I remind those who are listening, New Jersey lost 700 of its citizens. Our funding was cut despite the fact that we in New Jersey were under a code orange alert from August 1 to just after the election because of unspecified threats against the Prudential Building in Newark. The Prudential Building is a center of major financial activity and was highlighted as one of five locations that ought to be especially guarded. Yet the city of Newark saw its funding cut by 17 percent. Another high-risk urban area, Jersey City—which is directly across from where the Trade Centers were in New York, and where so much of the rescue activity was directed, with police from that area, emergency response people—Jersey City saw its funding cut 60 percent. That does not make sense.

The FBI has identified a 2-mile strip between the Port of Newark and Newark-Liberty International Airport as the most at-risk area in the entire country for a terrorist attack—a 2-mile stretch, highly visible. If you fly into Newark-Liberty Airport, you see the bustling port that we have there and the activity that goes on. It is an area, certainly, that would represent, in the FBI's view, one of the most appealing targets for terror. Yet the area's homeland security funding was cut. It defies sense.

The system is broken. That is why my colleague, Senator CORZINE, and I are introducing the Risk-Based Homeland Security Funding Act, to require that homeland security grants are allocated solely based on risk and threat to the area.

Our bill would take the 9/11 Commission's recommendations and turn them into law.

President Bush understands that risk and vulnerability must be the principal yardsticks for distributing homeland security funds. In the fiscal year 2006 budget just released, President Bush stated that homeland security funds need to be allocated on risks, threats, and vulnerabilities.

So I hope our colleagues will support the bill Senator CORZINE and I are introducing today. Our bill will set the gold standard for determining whether homeland security grants are being properly allocated. I ask my colleagues to think of this as a national interest, to make sure that none of the areas of high vulnerability are open to attack any more than we can possibly do to prevent it because any attack in these areas will have a ripple effect throughout the country. Again, these places are an invitation to the terrorists. As much as we hate them, we know these people are not fools. We know they plan these things. We know they look for the most vulnerable targets. And we should not permit those targets to go without the protection they fully deserve.

So I hope our colleagues will support this bill. It would turn the 9/11 Commission's recommendations into law.

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

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

S. 308

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 ''Risk-Based Homeland Security Funding Act''.

SEC. 2. FINDINGS.

Congress agrees with the recommendation on page 396 of the Final Report of the National Commission on Terrorist Attacks Upon the United States (commonly known as the ''9/11 Report''), which includes the following:

''Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. . . . [F]ederal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.''.

SEC. 3. RISK-BASED HOMELAND SECURITY GRANT FUNDING.

(a) CRITERIA FOR AWARDING HOMELAND SECURITY GRANTS.—Except for grants awarded under any of the programs listed under section 4(b), all homeland security grants related to terrorism prevention and terrorism preparedness shall be awarded based strictly on an assessment of risk, threat, and vulnerabilities, as determined by the Secretary of Homeland Security.

(b) LIMITATION.—Except for grants awarded under any of the programs listed under section 4(b), none of the funds appropriated for Homeland Security grants may be used for general revenue sharing.

(c) CONFORMING AMENDMENT.—Section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)) is repealed.

SEC. 4. PRESERVATION OF PRE-9/11 GRANT PROGRAMS FOR TRADITION FIRST RESPONDER MISSIONS .

(a) SAVINGS PROVISION.—This Act shall not be construed to affect any authority to award grants under a Federal grant program listed under subsection (b), which existed on September 10, 2001, to enhance traditional missions of State and local law enforcement, firefighters, ports, emergency medical services, or public health missions.

(b) PROGRAMS EXCLUDED.—The programs referred to in subsection (a) are the following:

(1) The Firefighter Assistance Program authorized under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

(2) The Emergency Management Performance Grant Program and the Urban Search and Rescue Grant Program authorized under—

(A) title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.);

(B) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1047 et seq.); and

(C) the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

(3) The Edward Byrne Memorial State and Local Law Enforcement Assistance Programs authorized under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(4) The Public Safety and Community Policing (COPS ON THE BEAT) Grant Program authorized under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

(5) Grant programs under the Public Health Service Act (42 U.S.C. 201 et seq.) regarding preparedness for bioterrorism and other public health emergencies;

(6) The Emergency Response Assistance Program authorized under section 1412 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2312).

(7) Grant programs under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.).

Mr. CORZINE. Mr. President, I rise today to join my colleague, Senator LAUTENBERG, in both support and the introduction of the Risk-Based Homeland Security Funding Act. I think this

is simply urgent. It is fundamental to the recommendations of the 9/11 Commission, as Senator LAUTENBERG mentioned.

Quoting language that was in that Commission report:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.

Quoting further:

[F]ederal homeland security assistance should not remain a program for general revenue sharing.

In fact, I believe we should relabel the bill. I had a little argument with my colleague from New Jersey. I think we ought to call it the Common Sense Homeland Security Act. It is only common sense. I think there is a consensus among all those who seriously contemplate this issue that we need to be smart and strategic about how we allocate our limited homeland security resources.

This is not a local issue, although people will often argue that we are trying to speak only from parochial interests. I think you have to think about this as protecting America where we are most vulnerable. It is a national issue.

Our economic assets are at stake. In New Jersey, that 2-mile stretch Senator LAUTENBERG spoke about in his comments has the Port of Newark, which is really what is often labeled the Port of New York. Mr. President, 80 percent of all of the incoming cargo containers that come into that east coast port are in Newark and Elizabeth. So you hear about the Port of New York and New Jersey. It is really the Port of New Jersey and Elizabeth. And that is in that 2-mile stretch.

Then on the other end of that 2-mile stretch is Liberty International or Newark Airport, which is, depending on which year and the number of flight landings, the third or fourth busiest airport in America—the busiest airport in the metropolitan region of New York and New Jersey.

In between, there are rail lines, chemical plants, oil refineries, all the economic assets that are important to the economic distribution of assets across the east coast.

It is incredible, as Senator LAUTENBERG talked about, that this particular area is seeing these cuts. Newark is getting cut 17 percent from 2004 to 2005, and, unbelievably, Jersey City is getting cut 64 percent, from $17 million down to about $6 million in homeland security, State, and local grants. It is very hard to justify. You look at your constituents and say we are talking about the threat-based allocation of risk, and we see these kinds of cuts given the kind of serious concerns that we have.

It is a national issue, it is not just a New Jersey issue because if that airport and that port come down, it has a major long-term impact on the economy of the Nation. It is important. I note, as Senator LAUTENBERG did, the Senator from Virginia has ports that have a major impact on more than just Virginia's economic well-being. The airports have more than just an economic impact on the individual State. We have to think about what the ripple impact is as we go forward. So we have to prioritize.

I am pleased the President cited almost the same language in his budget yesterday. Concentrating Federal funds for State and local homeland security assistance programs on the highest threats and vulnerabilities and needs is the Presidential goal. We need to translate that into specific legislative authority so we do not come up with formulas that are revenue sharing based.

Forty percent of the funds currently allocated are based on just equal allocation to the States. Nice idea, but we ought to do that in other areas, not with regard to homeland security where we ought to deal with the national economy, the national strategic interests of the country. So I hope we can take this act, this commonsensical approach, and implement it.

By the way, I also wonder why we are cutting 30 percent to our State and local communities. The first responders are the first line of defense in protecting the American people and in responding to these attacks. We certainly saw that in the 9/11 case.

I hope we can have a strong debate in Congress about how we are allocating within the expenditures we have with regard to homeland security. In my view, there is too much ignoring of the reality of the need to fund our local responders, making sure their communications equipment can talk to each other, making sure they have the kinds of equipment that would be able to respond, as was so heroically done by the people who responded to the 9/11 tragedy.

All this has to be put in the context of real-life experiences, though. And Senator LAUTENBERG talked about that. Seven hundred people in our community died. This is a hot issue in the State of New Jersey because it impacted families, and it still is very much a live part of their community. People want to see action. They want to see changes as we go forward. And they want to see us be particularly focused on those places where there are risks.

It is hard for New Jerseyans to understand when you put the city of Newark on the highest alert, singled out, along with New York City and Washington, DC, one day, and then get your homeland security funds cut by 20 percent or so 6 months later when the allocation comes out according to a formula, as apposed to thinking about where risks are. It is hard for the people not only in Newark, but we have Hamilton, NJ, which had a post office that was the site where all the anthrax letters were sent out. We had to shut it down. We spent $60 million cleaning up that post office, just like we had to clean up the Hart Building here in Washington.

And people say, I do not really understand why we are not concerned about what is going on with regard to risk in New Jersey when we have these kinds of practical realities: 700 of our citizens, orange alerts for Newark, Hamilton post office, and I could go on and on. There are a number of instances—Atlantic City, where the way the formula works is, if you are not a town of 225,000 people, you do not get considered for these grants. We have about 40,000 people in Atlantic City, but that does not take into account the people who come and visit there, which is about 100,000 on average a day; and then all the people who work there, which is about another 40,000. So you are getting up toward those numbers. And on peak days it can be 300,000 people. It is the second highest concentration of casinos in the country.

I think we need to bring common sense to where we are focusing homeland security dollars. I think that is what this act is about. I am thrilled that we have Michael Chertoff who is stepping in as the Secretary of the Department of Homeland Security. I do not think there is a smarter guy, a more objective, intellectually honest individual. I think he will push forward with commonsense approaches to allocation and recommendations.

Finally, this bill does not cover other programs. It does not include the COPS Program, fire grants, other things where you need to be reflective of the needs of general revenue sharing approaches. This is dealing with homeland security the same way we deal with national security. There we identify what we think the threats are and apply the resources to match those needs.

We need to bring common sense to this. I hope my colleagues will support this legislation. It is very straightforward and a simple reflection of the 9/11 Commission Report, a reflection of the words the President put in his budget report. I think it is appropriate as to how we should move forward with regard to funding for homeland security allocations.

By Mr. DEMINT (for himself, Mr. SALAZAR, and Mr. ENSIGN):

S. 309. A bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Finance.

Mr. DEMINT. Mr. President, I rise today to offer a bill that would update flexible spending arrangements, known as FSAs, to allow up to $500 of unused

health benefits to be carried forward to next year's FSA or transferred to a health savings account.

Flexible spending arrangements allow employees to set aside money in an employer-established benefit plan that can be used on a tax-free basis to meet their out-of-pocket health care expenses during the year. However, under current law, any money remaining in the FSA at the end of the year must be returned to the employer.

Nearly 37 million private sector employees have access to an FSA. However, only 18 percent of eligible employees take advantage of the pretax health care spending provided by flexible spending arrangements. Many employees cite the fear of forfeiting unused funds as the primary reason why they elect not to participate in an FSA.

This use-it-or-lose-it rule does more, though, than discourage widespread participation. It can also lead to perverse incentives such as encouraging people to spend money on health care products and services that they do not necessarily need. In other words, at the end of the year, if there is money left in the account, the employee's incentive is to go out and get an extra pair of sunglasses or whatever it is and spend that money, and that in turn drives up demand and the price of health care for everybody.

The bill I am introducing today provides greater flexibility and consumer choice. The bill would allow up to $500 of unused funds at the end of the year to be carried forward in that flexible spending arrangement for use in the next year, or that employee could begin a new HSA, a health savings account, and put up to $500 into that health savings account.

I believe this bill will encourage greater participation in flexible spending arrangements and, to a lesser extent, participation in health savings account benefit plans. The Joint Committee on Taxation estimates that approximately 76 percent of current FSA participants will take advantage of the rollover option each year.

Through this legislation, we can expand access to health care for millions of Americans by making it easier for them to save for their health care costs. This bill would also reduce end-of-the-year excess spending and overuse of health care services, allowing FSA participants to benefit from the prudent use of their health care resources.

I am grateful to Senators SALAZAR and ENSIGN who have joined me as original cosponsors of this bill. They understand that reducing health costs and increasing access to health care are worthy goals that we should all support.

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. 309

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

SECTION 1. DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

''(h) CONTRIBUTIONS OF CERTAIN UNUSED HEALTH BENEFITS.—

''(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because qualified benefits under such plan include a health flexible spending arrangement under which not more than $500 of unused health benefits may be—

''(A) carried forward to the succeeding plan year of such health flexible spending arrangement, or

''(B) to the extent permitted by section 106(d), contributed by the employer to a health savings account (as defined in section 223(d)) maintained for the benefit of the employee.

''(2) HEALTH FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term 'health flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

''(3) UNUSED HEALTH BENEFITS.—For purposes of this subsection, with respect to an employee, the term 'unused health benefits' means the excess of—

''(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement, over

''(B) the actual amount of reimbursement for such year under such arrangement.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2004.

By Mr. SMITH (for himself, Mrs. CLINTON, Ms. COLLINS, Mr. BINGAMAN, Ms. CANTWELL, Mr. COLEMAN, Mr. CORZINE, Ms. SNOWE, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. MURRAY, Mr. DEWINE, Mr. BAYH, Mr. REED, Mr. KERRY, Mr. SCHUMER, Mr. DAYTON, Mr. WYDEN, Mrs. LINCOLN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. NELSON of Florida, Ms. STABENOW, Mr. JOHNSON, Mr. LEAHY, Mr. KENNEDY, Mr. FEINGOLD, and Mr. SARBANES):

S. 311. A bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Early Treatment for HIV Act, ETHA, of 2005. Senator CLINTON joins me in introducing this bill, and I want to thank her for her steadfast support for people living with HIV. HIV knows no party affiliation, and I am pleased to say that ETHA cosponsors sit on both sides of the aisle.

Simply stated, ETHA gives States the opportunity to extend Medicaid coverage to low-income, HIV-positive individuals before they develop full-blown AIDS. Today, the unfortunate reality is that most patients must become disabled before they can qualify for Medicaid coverage. Nearly 50 percent of people living with AIDS who know their status lack ongoing access to treatment. In my home State of Oregon, there are approximately 4,500 persons living with HIV/AIDS. It is estimated that approximately 40 percent of these Oregonians are not receiving care for their HIV disease. Not being in care puts these people's own health at risk, and also makes them more infectious. We can do better, and we should do everything possible to ensure that all people living with HIV can get early, effective medical care.

Oregon's Ryan White funded AIDS Drug Assistance Program is nearing maximum enrollment and may need to wait list eligible clients in the near future. The fact of the matter is that safety net programs all over the country are running out of money, and are generally unable to cover all of the people who need assistance paying for their medical care. As other programs are failing, ETHA gives States another way to reach out to low-income, HIV-positive individuals.

With approximately 150 newly detected HIV infections in Oregon annually, my state desperately needs to provide early treatment to these individuals. It has been shown that current HIV treatments are very successful in delaying the progression from HIV infection to AIDS, and help improve the health and quality of life for millions of people living with the disease.

Studies conducted by PricewaterhouseCoopers have found that providing early intervention care significantly delays the progression of HIV and is highly cost-effective. ETHA reduces by 60 percent the death rate of persons living with HIV who received coverage under Medicaid. Disease progression is significantly slowed and health outcomes improved. Medicaid offsets alone reduce gross Medicaid costs by approximately 70 percent due to the prevention of avoidable high cost medical interventions. Research determined that over 5 years the true cost of ETHA is $55.2 million. Over 10 years, ETHA saves $31.7 million. It shows that preventing the health of people living with HIV, preventing opportunistic infections, and slowing the progression to AIDS, will save taxpayers dollars. Ultimately, its clear that in implementing ETHA, the United States will take an important

step toward ensuring that all Americans living with HIV can get the medical care they need to stay healthy and productive for as long as possible.

Importantly, ETHA also offers States an enhanced Federal Medicaid match, which means more money for States that invest in treatments for HIV. This provision models the successful Breast and Cervical Cancer Treatment and Prevention Act of 2000, which allows States to provide early Medicaid intervention to women with breast and cervical cancer. Even in these difficult times, 45 States are now offering early Medicaid coverage to women with breast and cervical cancer. We can build upon this success by passing ETHA and extending similar early intervention treatments to people with HIV.

HIV/AIDS touches the lives of millions of people living in every State in the Union. Some get the proper medications, but too many do not. This is literally a life and death issue, and ETHA can help many more Americans enjoy long, healthy lives.

I want to thank Senators CLINTON, COLLINS, BINGAMAN, COLEMAN, CANTWELL, SNOWE, CORZINE, FEINSTEIN, MURRAY, WYDEN, DEWINE, BAYH, REED, KERRY, DAYTON, SCHUMER, LINCOLN, LIEBERMAN, MIKULSKI, NELSON, STABENOW, JOHNSON, SARBANES, LEAHY, KENNEDY, FEINGOLD and LAUTENBERG for joining us as cosponsors of ETHA. I also wish to thank all of the organizations around the country that have expressed support for this bill. I have received numerous support letters from those organizations, and I ask unanimous consent that those letters be printed in the RECORD. In particular, I want to thank the Human Rights Campaign, The AIDS Institute, ADAP Working Group and the Treatment Access Expansion Project, for helping bring so much attention to ETHA. I hope all of my colleagues will join us in supporting this critical, life-saving legislation.

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

AIDS ACTION,
Washington, DC, February 2, 2005.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the AIDS Action Council board of directors and our diverse, nationwide membership of community-based service providers and public health departments working with people living with or affected by HIV, I would like to thank you for introducing the Early Treatment for HIV Act (ETHA) with Senator Clinton and offer my strong support for this important piece of legislation.

As you know, ETHA is a means to eliminate barriers to early drug therapy and comprehensive care for people living with HIV. This important legislation would give States the option of allowing HIV positive people with low incomes to qualify for Medicaid coverage earlier in the course of their infection, permitting them to receive greater benefits from anti-retroviral therapy.

Access to pharmaceuticals and quality health services is vital for people living with HIV. Advancements in treatment and the development of anti-retroviral (ARV) therapy have enabled HIV positive individuals to lead longer and healthier lives. However, ARV therapy is often prohibitively expensive, costing approximately $10,000 to $12,000 annually, making it virtually impossible for low-income people, who are often uninsured or underinsured, to access these life-prolonging medications.

Current Federal treatment guidelines recommend the initiation of ARV therapy early in the course of HIV infection. With early initiation, the efficacy of ARV therapy increases, boosting the effectiveness of other available HIV drugs and staving off disability. Initiated early on, ARV therapy ultimately saves costs associated with delayed medical treatment. Unfortunately, many uninsured and underinsured people living with HIV cannot afford ARV therapy on their own. Further, Americans living with HIV do not qualify for Medicaid until they have received an AIDS diagnosis and are sick enough to meet Medicaid's categorical requirements for disability—a point at which it is too late for ARV treatment to be optimally effective. These barriers to early treatment must be eliminated so that low income people living with HIV can access the health care they need.

During this time of shrinking Federal budgets and economic downsizing, savings in Federal HIV programs, whether in mandatory or discretionary spending, are beneficial to all parties involved. By allowing HIV positive individuals to qualify for Medicaid earlier in the course of HIV infection, ETHA will create significant savings for the Federal Government in overall health care funding.

AIDS Action looks forward to working with you on passage of this bill. Together we can ensure that people living with HIV have access to the treatments and health services they need to stay healthy.

Sincerely,

MARSHA A. MARTIN,
Executive Director.

THE AIDS INSTITUTE,
Washington, DC, February 2, 2005.

Re the early treatment for HIV Act (ETHA).

Senator GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: The AIDS Institute applauds you for your continued leadership and commitment to those people living with HIV/AIDS in our country who are in need of lifesaving healthcare and treatment. While the HIV/AIDS epidemic in sub-Sahara Africa and other parts of the world often overshadow the epidemic in the United States, we must not forget about the approximately 900,000 people living in the U.S. who have HIV or AIDS.

Those infected with HIV are more likely to be low-income, and it disproportionately impacts certain populations, particularly minorities. In fact, the AIDS case rate per 100,000 population for African Americans was 9.5 times that of whites in 2003.

According to a recent Institute of Medicine report titled, ''Public Financing and Delivery of HIV/AIDS Care: Securing the Legacy of the Ryan White CARE Act'', 233,000 of the 463,070 people living with HIV in the U.S. who need antiretroviral treatment do not have ongoing access to this treatment. This does not include an additional 82,000 people who are infected but unaware of their HIV status and are in need of antiretroviral medications.

One reason why there are so many people lacking treatment is that under current law, Medicaid, which is the single largest public payer of HIV/AIDS care in the U.S., only covers those with full blown AIDS, not those with HIV.

The Early Treatment for HIV Act (ETHA), being re-introduced in this Congress under your leadership and Sen. Hillary Clinton, would correct an archaic mindset in the delivery of public health care. No longer would a Medicaid eligible person with HIV have to become disabled with AIDS to receive access to Medicaid provided care and treatment. Providing coverage to those with HIV can prevent them from developing AIDS, and allow them to live a productive life with their family and be a healthy contributing member of society.

ETHA would provide States the option of amending their Medicaid eligibility requirements to include uninsured and under-insured, pre-disabled poor and low-income people living with HIV. No State has to participate if they choose not to.

As all States have participated in the Breast and Cervical Cancer Prevention and Treatment Act, on which ETHA is modeled, we believe all States will opt to choose this approach in treating those with HIV. States will opt into this benefit not only because it is the medically and ethically right thing to do, but it is cost effective, as well.

A recent study prepared by PricewaterhouseCoopers found that if ETHA was enacted, over 10 years:

—the death rate for persons living with HIV on Medicaid would be reduced by 50 percent;

—there would be 35,000 more individuals having CD4 levels above 500 under ETHA versus the existing Medicaid system; and

—result in a savings of $31.7 million.

The AIDS Institute thanks you for your bipartisan leadership by introducing ''The Early Treatment for HIV Act of 2006''. It is the type of Medicaid reform that is critically needed to update the program to keep current with the Federal Government's guidelines for treating people with HIV.

We look forward to working with you and your colleagues as it moves to enactment.

Sincerely,

DR. A. GENE COPELLO,
Executive Director.

FEBRUARY 2, 2005.

Hon. GORDON SMITH,
404 Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: The American Academy of HIV Medicine is an independent organization of HIV Specialists and others dedicated to promoting excellence in HIV/AIDS care. As the largest independent organization of HIV frontline providers, our 2,000 members provide direct care to more than 340,000 HIV patients—more than two thirds of the patients in active treatment for HIV disease.

The Academy, particularly those HIV Specialists in the state of Oregon, would like to thank and commend you for co-sponsoring the Early Treatment for HIV Act (ETHA).

ETHA addresses a cruel irony in the current Medicaid system—that under current Medicaid rules people must become disabled by AIDS before they can receive access to Medicaid provided care and treatment that could have prevented them from becoming so

ill in the first place. ETHA would bring Medicaid eligibility rules in line with the clinical standard of care for treating HIV disease. ETHA helps address the fact that increasingly, in many parts of the country, there are growing waiting lists for access to life-saving medications and limited to no access to comprehensive health care. Particularly in Oregon, we have been witness to difficulties in access to care for some of our patients, having endured a severe strain on our AIDS Drug Assistance Program (ADAP) for quite some time.

The Academy believes this legislation would allow HIV positive individuals access to the medical care that we recognize as vital towards postponing or avoiding the onset of AIDS and towards enormously increase the quality of life for people living with HIV disease.

As a provider at a public health clinic (the Multnomah County Health Department HIV clinic), I see patients from a 6 county area, with a growing number of uninsured. The difficulties in obtaining medication coverage have been growing monthly, and have become a major part of the 'medical care' we provide. A more equitable system of coverage and medication access would help tremendously, and allow us to focus on what we are trained to do. Thank you for your efforts in this area.

Sincerely,

MICHAEL S. MACVEIGH.
JAMES E. MCDONALD.
JOAN REEDER.
MARIA KOSMETATOS.

CASCADE AIDS PROJECT,
Portland, OR, February 1, 2005.

Senator GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: As you know, Cascade AIDS Project is the largest AIDS service organization in Oregon. For two decades we have served and advocated for people living with and at risk for HIV/AIDS. We strongly urge you to support the Early Treatment of HIV Act.

The Early Treatment for HIV Act will allow low-income individuals living with HIV to qualify for Medicaid coverage earlier in the course of their disease instead of waiting until they are disabled by full-blown AIDS.

Healthcare advocates have long been arguing that to treat an individual's illness at its earlier stages costs less than waiting until the individual is significantly disabled by further progression of the illness.

There are many Americans—those in the low income bracket and in underserved communities—who do not have access to drug treatment regimens because they have not progressed to fullblown AIDS. The ACT would make access to those drugs possible.

Medicaid is a lifeline to HIV care for roughly half of those living with AIDS, and 90% of all children living with AIDS. All Medicaid programs cover some prescription drugs, but with the improved drug therapy of today, it is crucial that individuals infected with HIV receive access to these drugs as soon as their conditions call for it.

Passage of the Early Treatment for HIV Act will save countless lives and must be viewed as a priority. We know that passage of the Act is the right thing to do.

Sincerely,

THOMAS BRUNER,
Executive Director.

TII-CANN,
Washington, DC, February 2, 2005.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

Subject: ETHA (The Early Treatment for HIV Act)

DEAR SENATOR SMITH: I wanted to express our appreciation and support for your introduction of ETHA in the 109th U.S. Congress together with Senator Clinton and the other original co-sponsors.

Having been working since day one on the ETHA process and having closely studied the potentially lifesaving—and cost savings—potentials of this bill we feel it's particularly crucial that this important legislation be passed into law as soon as possible.

The across the board potential cost savings inherent in providing early access to HIV treatment over 10 years are a compelling fiscally responsible story and of course treating sick Americans as soon as possible is simply the correct moral and ethical course of action for the world's most powerful country. The value of increasing life span and quality of life to tens of thousands of affected individuals, and their families, has a tremendous value to society at large, as well.

Once again we extend our thanks to you and Senator Clinton for your leadership and we look forward to helping this Important private and PublIc health legislation to work its way through our congressional process.

Sincerely,

WILLIAM E. ARNOLD,
CEO.

PROJECT INFORM,
San Francisco, CA, February 2, 2005.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: I am writing to thank you and Senator Clinton for introducing the Early Treatment for HIV Act. Project Inform, a national HIV/AIDS treatment information and advocacy organization serving 80,000 people nationwide, strongly supports this legislation.

This bill would allow, states to extend Medicaid coverage to pre-disabled people living with IV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, thus improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

Project Inform is acutely aware of the need for early access to lifesaving medications and healthcare for people living with HIV/AIDS. Discretionary programs such as the AIDS Drug Assistance Program (ADAP) are simply unable to meet the growing need. If ETHA is passed and implemented by the states, a great burden will be lifted off these safety net programs and people living with the disease will be able to get the care and treatment needed to live longer, more productive lives.

A recent report by PricewaterhouseCoopers found that if ETHA is passed and implemented by the states, the death rate of people living with HIV on Medicaid would be cut in half over a ten-year period. It also revealed that over a ten-year period, ETHA would save money in the Medicaid program. It is a humane and cost-effective bill and I thank you again for your leadership in introducing it. Please let me know how Project Inform can help make it become law.

Sincerely,

RYAN CLARY,
Senior Policy Advocate.

PARTNERSHIP PROJECT,
Portland, OR, February 1, 2005.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: I am writing to thank you for introducing the Early Treatment for HIV Act with Senator Clinton, and to offer my strong support for this legislation.

This bill would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough In assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, thus improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

The more people who are on Medicaid the more the pressure will be relieved on ADAP, CareAssist, and other programs that serve Oregon residents.

A recent report by PricewaterhouseCoopers found that if ETHA Is passed and implemented by the states, the death rate of people living with HIV on Medicaid would be cut in half over a ten-year period. It also revealed that over a ten-year period, ETHA would save money in the Medicaid program. It is a humane and cost-effective bill and I thank you again for your leadership in introducing it. Please let me know how I can help make it become law.

Sincerely,

RICK STOLLER,
Clinical Manager.

NASTAD,
Washington, DC, February 2, 2005.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the National Alliance of State and Territorial AIDS Directors (NASTAD), I am writing to offer our support for the ''Early Treatment for HIV Act.'' NASTAD represents the nation's chief state and territorial health agency staff who are responsible for HIV/AIDS prevention, care and treatment programs funded by state and federal governments. This legislation would give states an important option in providing care and treatment services to low-income Americans living with HIV.

The Early Treatment for HIV Act (ETHA) would allow states to expand their Medicaid programs to cover HIV positive individuals, before they become disabled, without having to receive a waiver. NASTAD believes this legislation would allow HIV positive individuals to access the medical care that is widely recommended, can postpone or avoid the onset of AIDS, and can enormously increase the quality of life for people living with HIV.

State AIDS directors continue to develop innovative and cost-effective HIV/AIDS programs in the face of devastating state budget cuts and federal contributions that fail to keep up with need. ETHA provides a solution to states by increasing health care access for those living with HIV/AIDS. ETHA will also

save states money in the long-run by treating HIV positive individuals earlier in the disease's progression and providing states with a federal match for the millions of dollars they are presently spending on HIV/AIDS care.

Thank you very much for your continued commitment to persons living with HIV/AIDS. I look forward to working with you to gain support for this important piece of legislation.

Sincerely,

JULIE M. SCOFIELD,
Executive Director.

AIDS FOUNDATION OF CHICAGO,
Chicago, IL, February 2, 2005.

Hon. GORDON SMITH,
U.S. Senate,
Washington DC.

DEAR SENATOR SMITH: I am writing to thank you for introducing the Early Treatment for HIV Act with Senator Clinton, and to offer the AIDS Foundation of Chicago's (AFC) strong support for this legislation.

Founded in 1985, the mission of AFC is to lead the fight against HIV/AIDS and improve the lives of people affected by the epidemic. In order to accomplish this, AFC collaborates with community organizations to develop and improve HIV/AIDS services; funds and coordinates prevention, care, and advocacy projects; and champion's effective, compassionate HIV/AIDS policy. AFC is the sole AIDS advocacy organization monitoring and responding to AIDS-related state legislation and public policy in Illinois.

This bill would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, thus improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

A recent report by PricewaterhouseCoopers found that if ETHA is passed and implemented by the states, the death rate of people living with HIV on Medicaid would be cut in half over a ten-year period. It also revealed that over a ten-year period, ETHA would save money in the Medicaid program. It is a humane and cost-effective bill and I thank you again for your leadership in introducing it. Please let me know how I can help make it become law.

Sincerely,

JIM PICKETT,
Director of Public Policy.

AIDS ACTION BALTIMORE, INC.,
Baltimore, MD, February 3, 2005.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of AIDS Action Baltimore, Inc. (AAB) I am writing to thank you for introducing the Early Treatment for HIV Act with Senator CLINTON, and to offer my strong support for this legislation.

This bill would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, thus improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

AAB has been engaged in research advocacy and providing valuable medical, financial and emotional support to thousands of people with HIV infection since 1987. Access to care and treatment is of the utmost importance to someone living with HIV disease. Medicaid will not only help improve the quality of life for an individual with HIV disease by will also help to relieve pressure on the AIDS Drug Assistance Programs in all of our states.

A recent report by PricewaterhouseCoopers found that if ETHA is passed and implemented by the states, the death rate of people living with HIV on Medicaid would be cut in half over a ten-year period. It also revealed that over a ten-year peiod, ETHA would save money in the Medicaid program. It is a humane and cost-effective bill and I thank you again for your leadership in introducing it. Please let me know how I can help make it become law.

Sincerely,

LYNDA DEE,
Executive Director.

AIDS ACTION,
February 2, 2005.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the AIDS Action Council board of directors and our diverse, nationwide membership of community-based service providers and public health departments working with people living with or affected by HIV, I would like to thank you for introducing the Early Treatment for HIV Act (ETHA) with Senator Clinton and offer my strong support for this important piece of legislation.

As you know, ETHA is a means to eliminate barriers to early drug therapy and comprehensive care for people living with HIV. This important legislation would give states the option of allowing HIV positive people with low incomes to qualify for Medicaid coverage earlier in the course of their infection, permitting them to receive greater benefits from anti-retroviral therapy.

Access to pharmaceuticals and quality health services is vital for people living with HIV. Advancements in treatment and the development of anti-retroviral (ARV) therapy have enabled HIV positive individuals to lead longer and healthier lives. However, ARV therapy is often prohibitively expensive, costing approximately $10,000 to $12,000 annually, making it virtually impossible for low-income people, who are often uninsured or underinsured, to access these life-prolonging medications.

Current federal treatment guidelines recommend the initiation of ARV therapy early in the course of HIV infection. With early initiation, the efficacy of ARV therapy increases, boosting the effectiveness of other available HIV drugs and staving off disability. Initiated early on, ARV therapy ultimately saves costs associated with delayed medical treatment. Unfortunately, many uninsured and underinsured people living with HIV cannot afford ARV therapy on their own. Further, Americans living with HIV do not qualify for Medicaid until they have received an AIDS diagnosis and are sick enough to meet Medicaid's categorical requirements for disability—a point at which it is too late for ARV treatment to be optimally effective. These barriers to early treatment must be eliminated so that low income people living with HIV can access the health care they need.

During this time of shrinking federal budgets and economic downsizing, savings in federal HIV programs, whether in mandatory or discretionary spending, are beneficial to all parties involved. By allowing HIV positive individuals to qualify for Medicaid earlier in the course of HIV infection, ETHA will create significant savings for the federal government in overall health care funding.

AIDS Action looks forward to working with you on passage of this bill. Together we can ensure that people living with HIV have access to the treatments and health services they need to stay healthy.

Sincerely,

MARSHA A. MARTIN, DSW,
Executive Director.

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. 311

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 ''Early Treatment for HIV Act of 2005''.

SEC. 2. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(ii)—

(A) by striking ''or'' at the end of subclause (XVII);

(B) by adding ''or'' at the end of subclause (XVIII); and

(C) by adding at the end the following:

''(XIX) who are described in subsection (cc) (relating to HIV-infected individuals);''; and

(2) by adding at the end the following:

''(cc) HIV-infected individuals described in this subsection are individuals not described in subsection (a)(10)(A)(i)—

''(1) who have HIV infection;

''(2) whose income (as determined under the State plan under this title with respect to disabled individuals) does not exceed the maximum amount of income a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan; and

''(3) whose resources (as determined under the State plan under this title with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan.''.

(b) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking ''section 1902(a)(10)(A)(ii)(XVIII)'' and inserting ''subclause (XVIII) or (XIX) of section 1902(a)(10)(A)(ii)''.

(c) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(1) by striking ''or'' at the end of clause (xii);

(2) by adding ''or'' at the end of clause (xiii); and

(3) by inserting after clause (xiii) the following:

''(xiv) individuals described in section 1902(cc);''.

(d) EXEMPTION FROM FUNDING LIMITATION FOR TERRITORIES.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended by adding at the end the following:

''(3) DISREGARDING MEDICAL ASSISTANCE FOR OPTIONAL LOW-INCOME HIV-INFECTED INDIVIDUALS.—The limitations under subsection (f) and the previous provisions of this subsection shall not apply to amounts expended for medical assistance for individuals described in section 1902(cc) who are only eligible for such assistance on the basis of section 1902(a)(10)(A)(ii)(XIX).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on or after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

By Mr. MCCAIN (for himself, Ms. CANTWELL, and Mr. LEAHY):

S. 312. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I rise today to introduce The Local Community Radio Act of 2005. This bill would allow the Federal Communications Commission (FCC) to license Low Power FM stations on third adjacent channels to full power stations without limitations and eliminate the requirement that the FCC perform further testing on the economic impact of Low Power FM radio. Additionally, the bill seeks to protect stations that provide radio reading services, which some have suggested are more susceptible to interference then other stations because they are carried on a subcarrier frequency. I am pleased to be joined in this effort by Senators LEAHY and CANTWELL who are co-sponsors of the bill. I thank them for their support. A similar bill was introduced in the 108th Congress and passed out of the Senate Committee on Commerce, Science, and Transportation.

In January 2000, the FCC launched Low Power FM radio service to ''enhance locally focused community-oriented radio broadcasting.'' Low Power FM stations are just that—low power radio stations on the FM band that generally reach an audience within a 3.5 mile radius of the station's transmitter. In rural areas, this signal may not reach many people, but it provides rural citizens with another media outlet—another voice in the market. In urban areas, this signal may reach hundreds of thousands of people and provide not just local content, but very specific neighborhood news and information.

Localism is increasingly important in today's changing media landscape. Rampant ownership consolidation has taken place in the radio industry since passage of the Telecommunications Act of 1996. Since that time, many Americans have complained that the large media conglomerates fail to serve local communities' interests and seem to use their local station license as a conduit to air national programming. Low Power FM was introduced, in part, to respond to such complaints.

Between May 1999 and May 2000, the Commission received over 3,400 applications for Low Power FM stations from non-commercial educational entities and community organizations. However, before the Commission could act on many of the applications for this new community service, broadcasters frightened legislators into halting the full implementation of Low Power FM. Broadcasters masqueraded their true concerns about competition from a real local radio broadcaster in thinly veiled claims of interference.

Due to the broadcasters' subterfuge, Congress added language to a 2000 appropriations bill requiring the FCC to hire an independent engineering firm to further study broadcasters' claims of interference. I am not happy to report that after spending almost two years and over 2 million dollars, the independent study revealed what the FCC and community groups had said all along: LPFM will do no harm to other broadcasters. Perhaps, we should send a bill to the National Association of Broadcasters.

That brings us to the future of Low Power FM. The FCC, as required by the appropriations language, reported the study's findings to Congress last February and recommended full implementation of Low Power FM. This bill simply follows the FCC's recommendation: begin licensing Low Power FM stations on third adjacent channels to full power stations without limitations. Additionally, the bill seeks to protect full power stations that provide radio reading services. It is estimated that about 1.1 million people in the U.S. are blind, and it is important to ensure this helpful radio reading service remains interference free.

The enactment of this bill will immediately make available a number of Low Power FM frequencies. By some estimates, Congress' legislation delaying the full implementation, which mostly affected metropolitan areas, led to the elimination of half the Low Power FM applications filed during 2000.

For example, Congress' action eliminated the LPFM slot in Fresno applied for by El Comite de los Pobres. The group had hoped to address the dearth of local programming for the Latino community by airing bilingual coverage of local issues. New Orleans' Music Business Institute's application was eliminated as well. The Music Business Institute teaches young people how to get into the music business. The Institute had planned to use the station to help start the musical careers of local artists, and to educate listeners about the city's jazz and blues musical heritage.

There are some wonderful LPFM stations that are up and running. A recent article published in The Nation called these stations, ''beacons of grassroots democracy.'' The article discussed WRFR in Rockland, Maine: ''Shunning the canned programming approach of Rockland's two Clear Channel stations, WRFR offers an array of local talent, tastes and interests, and was recently named Maine station of the year by a state music association. Although country music, a Maine favorite, is heavily represented, hardly any WRFR deejay restricts himself to a single era, genre or Top-40 play list.''

In 2000, the Southern Development Foundation established a Low Power FM station in Opelousas, Louisiana, which sponsors agriculture programs, leases land to farmers, raises money for scholarships for needy kids and helps citizens learn to read. The station director told a local community newsletter: ''You've got local radio stations that are owned by larger companies. There should be some programming concerning the music that is from here, and the people from here. But there's not.''

I ask the broadcasters to come clean and join us in promoting LPFM. More good radio brings about more radio listening—and that's good for all broadcasters. Therefore, in the interests of would-be new broadcasters, existing broadcasters, but most of all, the listening public, I urge the enactment of the Local Community Radio Act of 2005.

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. 312

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 ''Local Community Radio Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The passage of the Telecommunications Act of 1996 led to increased ownership consolidation in the radio industry.

(2) At a hearing before the Senate Committee on Commerce, Science, and Transportation, on June 4, 2003, all 5 members of the Federal Communications Commission testified that there has been, in at least some local radio markets, too much consolidation.

(3) A commitment to localism—local operations, local research, local management, locally-originated programming, local artists, and local news and events—would bolster radio listening.

(4) Local communities have sought to launch radio stations to meet their local needs. However, due to the scarce amount of spectrum available and the high cost of buying and running a large station, many local communities are unable to establish a radio station.

(5) In 2003, the average cost to acquire a commercial radio station was more than $2,500,000.

(6) In January, 2000, the Federal Communications Commission authorized a new, affordable community radio service called ''low-power FM'' or ''LPFM'' to ''enhance locally focused community-oriented radio broadcasting''.

(7) Through the creation of LPFM, the Commission sought to ''create opportunities for new voices on the air waves and to allow local groups, including schools, churches, and other community-based organizations, to provide programming responsive to local community needs and interests''.

(8) The Commission made clear that the creation of LPFM would not compromise the integrity of the FM radio band by stating, ''We are committed to creating a low-power FM radio service only if it does not cause unacceptable interference to existing radio service.''.

(9) Currently, FM translator stations can operate on the second and third-adjacent channels to full power radio stations, up to an effective radiated power of 250 watts, pursuant to part 74 of title 47, Code of Federal Regulations, using the very same transmitters that LPFM stations will use. The FCC based its LPFM rules on the actual performance of these translators that already operate without undue interference to FM stations. The actual interference record of these translators is far more useful than any results that further testing could yield.

(10) Small rural broadcasters were particularly concerned about a lengthy and costly interference complaint process. Therefore, in September, 2000, the Commission created a simple process to address interference complaints regarding LPFM stations on an expedited basis.

(11) In December, 2000, Congress delayed the full implementation of LPFM until an independent engineering study was completed and reviewed. This delay was due to some broadcasters' concerns that LPFM service would cause interference in the FM band.

(12) The delay prevented millions of Americans from having a locally operated, community based radio station in their neighborhood.

(13) Approximately 300 LPFM stations were allowed to proceed despite the congressional action. These stations are currently on the air and are run by local government agencies, groups promoting arts and education to immigrant and indigenous peoples, artists, schools, religious organizations, environmental groups, organizations promoting literacy, and many other civically-oriented organizations.

(14) After 2 years and the expenditure of $2,193,343 in taxpayer dollars to conduct this study, the broadcasters' concerns were demonstrated to be unsubstantiated.

SEC. 3. REPEAL OF PRIOR LAW.

Section 632 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (Public Law 106-553; 114 Stat. 2762A–111), is repealed.

SEC. 4. MINIMUM DISTANCE SEPARATION REQUIREMENTS.

The Federal Communications Commission shall modify its rules to eliminate third-adjacent minimum distance separation requirements between—

(1) low-power FM stations; and

(2) full-service FM stations, FM translator stations, and FM booster stations.

SEC. 5. PROTECTION OF RADIO READING SERVICES.

The Federal Communications Commission shall retain its rules that provide third-adjacent channel protection for full-power noncommercial FM stations that broadcast radio reading services via a subcarrier frequency from potential low-power FM station interference.

SEC. 6. ENSURING AVAILABILITY OF SPECTRUM FOR LPFM STATIONS.

The Federal Communications Commission when licensing FM translator stations shall ensure—

(1) licenses are available to both FM translator stations and low-power FM stations; and

(2) that such decisions are made based on the needs of the local community.

Ms. CANTWELL. Mr. President, today, I am pleased to be joining with the Senator from Arizona, Mr. MCCAIN, and the Senator from Vermont, Mr. LEAHY, as a cosponsor of the Local Community Radio Act of 2005. This legislation is similar to the version of S. 2505, the Low Power Radio Act of 2004 that was introduced last Congress.

This bill removes once and for all the barriers keeping low power FM service from flourishing in communities of all sizes across the country, while protecting important radio reading services. Under the existing law, my State has only a handful of low power FM stations. If this bill becomes law, the Federal Communication Commission will be able to move forward and license additional low power FM stations to serve communities all across the State of Washington such as Bainbridge Island, Vashon Island and Auburn.

Let me review the history of this issue for the Senate. The Telecommunications Act of 1996 removed completely the ownership caps restricting the number of stations that any one company can own nationwide. The Act has led to an unprecedented level of consolidation and mergers in the U.S. radio industry. Additionally, within a local market, the rules allows ownership of up to eight radio stations, on a sliding scale, depending on total number of stations in the market.

Five years ago, the FCC adopted rules creating a new, low power FM radio service in response to public concerns that the increased consolidation of radio ownership weakened the local character of radio.

Low power FM stations serve the public interest by providing significantly greater opportunities for citizen involvement in broadcasting in communities across the country. Eligible licensees are non-profit, government or educational institutions, public safety or transportations services. No existing broadcasting licensee or media entity can have an ownership interest or any program or operating agreement with any low power FM stations.

In many media markets, the number of independent local voices has dropped significantly, replaced by giant corporations replicating formats and programming from across the country. Voice-tracking, a practice in which a DJ either pre-records part of a program for a local station or for a station out of the immediate market, is not a substitute for true localism.

With fewer independent outlets available for artists to get airplay for a given genre of music, particularly for newer acts, there is a perception in some quarters of the music industry that you need to resort to the reprehensible practices such as payola in order to be heard by the public.

During its proceeding on low power FM, the FCC conducted tests on the effects of these low power stations on full power FM broadcasts for various types of radio receivers. The FCC engineering reports concluded that low power FM signals would not cause interference with the signals to full power FM stations within their service areas. Based on the results of interference testing, LPFM stations were not required to protect stations three channels away from inference as is required for full power stations. These rules allowed radio frequencies for LPFM stations to become available in larger media markets where under the old rules of third adjacent channel separation, there was no space available for them on the crowded radio dial.

While the public reaction to low power FM was positive, the reaction of FM broadcasters, both commercial and non-commercial, was negative. Congress was convinced to add a rider to the 2001 Commerce, Justice, State appropriations law that effectively undid the provisions in the FCC rules, and once again required third adjacent channel separation. Congress also required the FCC to perform a study examining the impact on interference on the third adjacent channel.

Over two million dollars later, the results of the study validated the FCC's original analysis. Last year, I joined the Senator from Arizona, Mr. MCCAIN, and the Senator from Vermont, Mr. LEAHY, in sponsoring a bill that would have accepted the results of this latest engineering study to undo the 2001 appropriations rider. It also addressed specific concerns about protecting stations providing reading services over the radio frequencies to assist the blind. Under the Senator from Arizona's (Mr. MCCAIN) leadership, the Commerce Committee reported the low power FM bill out favorably with an amendment, but it did not come to a vote on the floor.

The time has come to move ahead with this proposal. The U.S. radio industry has experienced an unprecedented wave of consolidation and mergers since passage of the 1996 Telecommunications Act. The consolidation trend has raised barriers of both size and cost for new broadcasters. The legislation we introduce today allows

new entrants into broadcasting activities and new voices on our public airwaves. I hope the Commerce Committee will again act quickly on this legislation.

Mr. LEAHY. Mr. President, I am pleased today to join Senators MCCAIN and CANTWELL in introducing important legislation to increase the number of frequencies available for low power radio stations in America. Low power stations serve their communities with broadcasting that reflects local needs and local preferences. In this way, low power FM offers a valuable counterpoint to nationwide media consolidation. As National Public Radio reported this morning, low power FM has a large following of listeners tired of hearing the same programming across the country. For this reason, I have been a strong supporter of low power FM for many years now. In fact, I recently urged FCC Chairman Powell to expedite licensing for new low power stations.

Unfortunately, for many years now the number of low power FM stations the FCC could license has been limited by unrealistic and unnecessary rules requiring these small stations to find available frequencies far from any full power broadcaster. Interference must be avoided if we are to make use of the airwaves. The current rules, however, go beyond what is necessary to protect full power stations from interference and, instead, protect them from competition. This bill will reduce the unnecessary restrictions on low power FM stations.

Of course, the need for low power FM radio must be balanced against other important uses of nearby frequencies. I have worked hard to protect reading services for the blind, and this bill protects those services by retaining the third-adjacent rule where such services would be affected. In addition, this bill protects commercial broadcasters of all sizes from actual interference by leaving intact the FCC's expedited interference claim review procedures.

I look forward to working with all the parties involved to strengthen local broadcasting.

By Mr. LUGAR (for himself, Mr. DOMENICI, Mr. HAGEL, Mr. REED, Mr. BIDEN, Mr. LEVIN, Ms. COLLINS, Mr. MCCAIN, and Mr. OBAMA):

S. 313. A bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations; to the Committee on Armed Services.

Mr. LUGAR. Mr. President, I rise to again introduce a bill that will strengthen U.S. nonproliferation efforts. It is supported by the Administration and several of my colleagues. This bill represents the fourth installment of Nunn-Lugar legislation that I have offered since 1991.

In that year, Sam Nunn and I authored the Nunn-Lugar Act, which established the Cooperative Threat Reduction Program. That program has provided U.S. funding and expertise to help the former Soviet Union safeguard and dismantle their enormous stockpiles of nuclear, chemical and biological weapons, means of delivery and related materials. In 1997, Senator Nunn and I were joined by Senator DOMENICI in introducing the Defense Against Weapons of Mass Destruction Act, which expanded Nunn-Lugar authorities in the former Soviet Union and provided WMD expertise to first responders in American cities. In 2003, Congress adopted the Nunn-Lugar Expansion Act, which authorized the Nunn-Lugar program to operate outside the former Soviet Union to address proliferation threats. The bill that I am introducing today would strengthen the Nunn-Lugar program and provide it with greater flexibility to address emerging threats.

To date, the Nunn-Lugar program has deactivated or destroyed: 6,564 nuclear warheads; 568 ICBMs; 477 ICBM silos; 17 ICBM mobile missile launchers; 142 bombers; 761 nuclear air-to-surface missiles; 420 submarine missile launchers; 543 submarine launched missiles; 28 nuclear submarines; and 194 nuclear test tunnels.

The Nunn-Lugar program also facilitated the removal of all nuclear weapons from Ukraine, Belarus and Kazakhstan. After the fall of the Soviet Union, these three nations emerged as the third, fourth, and eighth largest nuclear powers in the world. Today, all three are nuclear weapons free as a result of cooperative efforts under the Nunn-Lugar program. In addition, Nunn-Lugar is the primary tool through which the United States is working with Russian authorities to identify, safeguard and destroy Russia's massive chemical and biological warfare capacity.

These successes were never a foregone conclusion. Today, even after more than 12 years, creativity and constant vigilance are required to ensure that the Nunn-Lugar program is not encumbered by bureaucratic obstacles or undercut by political disagreements.

During Secretary Rice's confirmation hearing with the Senate Foreign Relations Committee on January 18, 2005, I asked Dr. Rice if she and the Administration supported this legislation, to which she responded ''Yes we do.'' Secretary Rice and President Bush have long argued that there needs to be maximum flexibility granted to the Administration to execute a global, focused and timely effort to fight proliferation. In view of the Administration's strong support for this bill, I look forward to working with the Armed Services Committee to enact it.

I have devoted much time and effort to overseeing and accelerating the Nunn-Lugar program. Uncounted individuals of great dedication serving on the ground in the former Soviet Union and in our government have made this program work. Nevertheless, from the beginning, we have encountered resistance to the Nunn-Lugar concept in both the United States and Russia. In our own country, opposition often has been motivated by false perceptions that Nunn-Lugar money is foreign assistance or by beliefs that Defense Department funds should only be spent on troops, weapons, or other war-fighting capabilities. Until recently, we also faced a general disinterest in non-proliferation that made gaining support for Nunn-Lugar funding and activities an annual struggle.

The attacks of September 11 changed the political discourse on this subject. We have turned a corner—the public, the media, and political candidates are paying more attention now. In a remarkable moment in the first presidential debate last year, both President Bush and his opponent agreed that the number one national security threat facing the United States was the prospect that weapons of mass destruction would fall into the hands of terrorists.

While the Administration has noted its support for this bill, the 9/11 Commission also weighed in last year with another important endorsement of the Nunn-Lugar program, saying that ''Preventing the proliferation of [weapons of mass destruction] warrants a maximum effort—by strengthening counter-proliferation efforts, expanding the Proliferation Security Initiative, and supporting the Cooperative Threat Reduction Program.'' The Report went on to say that ''Nunn-Lugar . . . is now in need of expansion, improvement and resources.''

My bill would underscore the bipartisan consensus on Nunn-Lugar by streamlining and accelerating Nunn-Lugar implementation. It would grant more flexibility to the President and the Secretary of Defense to undertake proliferation projects outside the former Soviet Union. It also would eliminate Congressionally-imposed conditions on Nunn-Lugar assistance that in the past have forced the suspension of time-sensitive nonproliferation projects. The purpose of the bill is to reduce bureaucratic red tape and friction within our government that hinder effective responses to nonproliferation opportunities and emergencies.

For example, recently Albania appealed for help in destroying 16 tons of chemical agent left over from the Cold War. Last August, I visited this remote storage facility. Nunn-Lugar officials are working closely with Albanian leaders to destroy this dangerous stockpile. But this experience also is illustrative of the need to reduce bureaucratic delays. The package of documents related to the mission took

some 11 weeks to be finalized and readied for President Bush. From beginning to end, the bureaucratic process to authorize dismantlement of chemical weapons in Albania took more than three months. Fortunately, the situation in Albania was not a crisis, but we may not be able to afford these timelines in future nonproliferation emergencies.

As I said when I introduced this legislation during our November session last year, I wanted to have the benefit of the Administration's views and my colleagues' input. Since then, I am pleased that Senators DOMENICI, HAGEL, REED, BIDEN, LEVIN, COLLINS, MCCAIN and OBAMA have all signed on as co-sponsors. The Administration has now stated that they support this bill. I look forward to working in Congress to enact it.

By Mr. CORNYN:

S. 314. A bill to protect consumers, creditors, workers, pensioners, shareholders, and small businesses, by reforming the rules governing venue in bankruptcy cases to combat forum shopping by corporate debtors; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce the Fairness in Bankruptcy Litigation Act of 2005.

This legislation will provide much-needed protection—for consumers, creditors, workers, pensioners, shareholders, and small businesses—by reforming the rules governing venue in bankruptcy cases to combat forum shopping.

Quite simply, my bill will prevent corporate debtors from moving their bankruptcy cases thousands of miles away from the communities and their workers who have the most at stake. And it will prevent bankrupt corporations from effectively selecting the judge in their own cases—because picking the judge isn't far off from picking the verdict.

This Act is a positive step for fairness, responsibility, and justice. It implements a major recommendation from the October 1997 National Bankruptcy Review Commission report, and earned the support of prominent bankruptcy law professors and practitioners nationwide. The bill is also supported by Texas Attorney General Greg Abbott (R) and former Massachusetts Attorney General Scott Harshbarger (D); Brady C. Williamson, who served as chairman of the National Bankruptcy Review Commission; and major national bankruptcy organizations like the National Association of Credit Management and the Commercial Law League of America.

With the introduction of this Act, this body will now have an opportunity to consider this growing crisis, which effects so many consumers and workers, just as we are about to examine the issue of comprehensive bankruptcy reform.

Sadly, our current bankruptcy venue law has become a target for enormous abuse. It's a problem that is well documented by academics, most recently in a comprehensive book published just last week by UCLA Law Professor Lynn M. LoPucki, as well as by Harvard Law Professor Elizabeth Warren, who served as the reporter for the National Bankruptcy Review Commission, and Professor Jay L. Westbrook of the University of Texas Law School.

I have personal experience with the worst kind of forum shopping. During my service to the State of Texas as Attorney General, I argued that the Enron Federal bankruptcy court proceedings should be litigated in Houston. That seemed like the common sense argument, of course—after all, Houston was where the majority of employees and others who were victimized by that corporate scandal called home.

Yet that's not where the case ended up. Instead, Enron was able to exploit a key loophole in bankruptcy law to maneuver their proceedings as far away from Houston as possible. They ended up in their desired forum in New York. See In re Enron Corp., 274 B.R. 327 (S.D.N.Y. Bankr. 2002).

Enron used the place of incorporation of one of its small subsidiaries in order to file a bankruptcy claim in New York, and then used that smaller claim as the basis for shifting all of its much larger bankruptcy proceedings into that same court. The company had 7,500 employees in the Houston headquarters, but they filed for bankruptcy in New York, where Enron had only 57 employees.

This kind of blatant forum shopping makes a mockery of our laws. The common-sense legislation that I've introduced today will combat such egregious forum shopping by requiring that corporate debtors file where their principal place of business or principal assets are located, rather than their state of incorporation, and forbidding parent companies from manipulating the venue by filing first through a subsidiary.

Bankruptcy venue abuse is not just bad for our legal system; it hurts America's consumers, creditors, workers, pensioners, shareholders, and small businesses. Under current law, corporate debtors effectively get to pick the court in which they will file for bankruptcy. As a result, creditors can be forced to litigate far away from the real-world location, where costs and inconveniences associated with travel are prohibitive.

This troubling loophole also serves to unfairly enable corporate debtors to evade their financial commitments. It badly disables consumers, creditors, workers, pensioners, shareholders, and small businesses from pursuing and receiving reasonable compensation from bankruptcy proceedings.

Current law allows debtors to forum shop and thereby to pick jurisdictions likely to rule in their favor. If debtors get to pick the jurisdiction, then bankruptcy judges have a disturbing incentive to compete with other bankruptcy courts for major bankruptcy cases, by tilting their rulings in favor of corporate debtors and their attorneys.

The examples are numerous. Here are three of the most prominent incidents: Polaroid. In October 2001, Boston-based Polaroid filed for bankruptcy in Delaware, listing assets at $1.9 billion. Polaroid's top executives claimed that the company was a ''melting ice cube,'' and arranged a hasty sale for $465 million to a single bidder. The court refused to hear testimony as to the true value of the company and closed the sale in only 70 days. The top executives went to work for the new buyer and received millions of dollars in stock. Meanwhile, disabled employees had their health-care coverage canceled. The so-called ''melting ice cube'' became profitable the day after the sale became final.

K-Mart. In January 2002, failed top executives delivered Michigan-based K-Mart to the bankruptcy court in Chicago, which reportedly had been actively soliciting large corporate debtors to file there. With a workforce of 225,000, K-Mart had more employees than any company that had ever filed bankrupt nationwide. The Chicago judge let the failed executives take tens of millions of dollars in bonuses, perks, and loan forgiveness. Bankruptcy lawyers also profited, pocketing nearly $140 million in legal fees. But some 43,000 creditors received only about ten cents on the dollar.

Worldcom. Worldcom perpetrated one of the biggest accounting frauds in history, inflating its income by $9 billion. Although based in Mississippi, Worldcom followed Enron into the New York bankruptcy court, where its managers received the same lenient treatment. No trustee was appointed; indeed, five months after the case was filed, the directors in office when the fraud occurred still constituted a majority of the board. They chose their own successors. A Top Worldcom executive used money taken from the company to build an exempt Texas homestead, and Worldcom took no action. That executive then used the homestead to buy his way out of his problems with the SEC. Meanwhile, creditors—mostly bondholders—lost $20 billion.

This is not the first time we have addressed this important issue. The House Judiciary Subcommittee on Commercial and Administrative Law held a hearing on July 21, 2004, entitled ''Administration of Large Business Bankruptcy Reorganizations: Has Competition for Big Cases Corrupted the Bankruptcy System?,'' and Congressman BRAD SHERMAN (D-CA) has previously led efforts to champion bankruptcy venue reform in the House. During the 107th Congress, Senator DURBIN

introduced S. 2798, the Employee Abuse Prevention Act of 2002, joined by Senators KENNEDY, KERRY, LEAHY, and ROCKEFELLER, while Congressman WILLIAM D. DELAHUNT (D-MA) introduced the same bill in the House; section 205 of that legislation would have reformed bankruptcy venue law.

I believe we must take steps to respond to this important problem. The American people deserve better from our legal system. All bankruptcy cases deserve to be handled fairly and justly, and no corporate debtor should be allowed to escape responsibility by fleeing to another venue. It is high time that we take up this much-needed reform.

I ask unanimous consent that letters of support be printed in the RECORD.

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

ATTORNEY GENERAL OF TEXAS,
Austin, TX, February 2, 2005.

Re Fairness in Bankruptcy Litigation Act of 2005.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: I support your important initiative to prohibit opportunistic forum shopping by corporate debtors.

As you know firsthand from your tenure as Attorney General of Texas during the State's involvement in the Enron bankruptcy proceedings, such unsavory court-shopping truly harms innumerable parties—large and small alike. Far too often, corporate debtors file for bankruptcy in a far-flung district solely because of their incorporation in the state where that district is located.

Your proposal to amend 28 U.S.C. §1408—the aptly named Fairness in Bankruptcy Litigation Act—would prevent this unseemly practice. As you know, bankruptcy forum shopping can adversely impact not just states and state agencies, but countless consumers, creditors, employees, pensioners, stockholders, and small businesses that are regularly thwarted from protecting their interests simply because the debtor filed in a distant forum.

The venue stratagems used by large law firms to maximize their professional fees, render far-away courts inaccessible to scores of unsecured creditors, and select compliant, debtor-friendly judges undermine the credibility of our nation's bankruptcy system. Indeed, after two years of public hearings, the National Bankruptcy Review Commission recommended that Congress overhaul the law to prevent forum shopping by large Chapter 11 debtors and their affiliates. I strongly support their recommendation and applaud you for bringing this urgent matter to the attention of the United State Senate.

Abusive forum shopping by corporate debtors harms Americans from all walks of life. It is time for this gamesmanship to stop. I commend your efforts to strengthen our bankruptcy system and safeguard the interests of ordinary Americans.

Sincerely,

GREG ABBOTT.

MURPHY, HESSE, TOOMEY & LEHANE, LLP, ATTORNEYS AT LAW,
Boston, MA, February 8, 2005.

Re Bankruptcy Venue Reform.

Senator JOHN CORNYN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR: I commend efforts, either through an amendment to the bankruptcy bill before Congress or through the separate vehicle being introduced by Senator Cornyn, to close a major jurisdictional loophole in the bankruptcy statutes which directly affects every investor, business competitor, creditor, consumer, union, and state Attorney General in this country. While forum shopping and court competition are having a direct, adverse effect on the governance and reorganization of large, public companies, investors are feeling that effect in their returns; employees and unions in the abrogation of collectively bargained contracts and economic security; competitors in the loss of a level playing field; consumers and creditors in the loss of basic rights; and Attorneys General in the loss of power to be heard and to protect the rights of constituents and state public policy.

For the past decade, most bankrupt large public companies have ''forum shopped'' their cases to the bankauptcy courts in Wilmington, Delaware and New York City. For a time, that was generally thought to be advantageous. But events in Enron and other cases have shown otherwise. The shopping benefited bankruptcy professionals who worked in those cases by enabling them to charge higher fees and by freeing them from some restrictions on conflicts of interest. The shopping also benefited executives of some of those companies by allowing them to hang onto their jobs longer and in some cases even be paid large ''retention bonuses.''

But the effect of forum shopping on the companies—and hence on the shareholders and bondholders who invested in them—has been decidedly negative. According to major studies and the empirical research of experts like Professor Lynn LoPucki of UCLA law school, companies reorganized in the Delaware and New York courts in the early and mid-1990s failed at a rate more than double the rate for companies reorganized in other courts. As other courts copied Delaware in an effort to staunch their outflow of cases, the failure rates for those courts' reorganizations skyrocketed to match Delaware's rates. To confirm a plan, the Bankruptcy Code requires that the court find that ''confirmation . . . is not likely to be followed by the liquidation, or the need for further financial reorganization of the debtor.'' But of the 43 largest public companies reorganized in U.S. Bankruptcy Courts from 1997 through 2000—the most recent period for which failure rates can be calculated—21 (49%) were back in bankruptcy within five years. Historically, the failure rates for big reorganization in non-competing courts have been below 10%.

Legislative action can address this problem in a common sense, fair, simple and direct way, by requiring bankrupt companies file in their local bankruptcy courts. By local courts, I mean the courts in the cities where the companies have their headquarters or their principal operations. This will free judges from the pressures to compete with other courts for cases, and enable them to return to the crucial function for which they were appointed: to protect shareholders, creditors, employees, suppliers, customers and the companies themselves during the brief but often frantic period between the failure of one corporate regime and its replacement with another. It will also ensure that these judges and courts hear from everyone affected and entitled to be heard—not only those who can afford to travel or appear in ''foreign'' courts, especially the public's lawyers, the Attorneys General. It is not a panacea for economic insecurity, and it changes no legal rights or duties or law. But it will cure a major inequity and a loophole utilized primarily to ''game'' the system. Enactment of this bill, or a similar legislative amendment, will enable us to say: ''We had a problem, and now we have fixed it.''

SCOTT HARSHBARGER.

COMMERCIAL LAW LEAGUE OF AMERICA®,
Chicago, IL, February 7, 2005.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: The Commercial Law League of America (''CLLA''), founded in 1895, is the Nation's oldest organization of attorneys and other experts in credit and finance actively engaged in the field of commercial law, bankruptcy and reorganization. Its membership exceeds 3,500 individuals. The CLLA has long been associated with the representation of creditor interests, while at the same time seeking fair, equitable and efficient administration of bankruptcy cases for all parties in interest.

The Bankruptcy Section of the CLLA is made up of approximately 1,100 bankruptcy lawyers and bankruptcy judges from virtually every State in the United States. Its members include practitioners with both small and large practices, who represent divergent interests in bankruptcy cases. The CLLA has testified on numerous occasions before Congress as experts in the bankruptcy and reorganization fields.

A principal concern of the CLLA is the need for an amendment requiring that the domicile and residence for venue of corporate debtors be conclusively presumed to be the location of the debtor's principal place of business without regard to the debtor's state of incorporation. Such a change would benefit creditors and prevent an unacceptable degree of forum shopping by debtors who are in search of a venue that will be friendly to their needs. More important, however, requiring that a corporate bankruptcy take place locally ensures that the distinct needs of the community are not overlooked.

Allowing the practice of forum shopping by debtors undermines the bankruptcy process and creates unwarranted competition among the courts. Before filing, the debtor is able to determine which courts have taken friendly views of the debtor's particular needs and select such a court with the intent of creating a disadvantage for creditors. Indeed, some corporate debtors have even commenced bankruptcy cases in preferred venues by strategically creating or using otherwise healthy subsidiaries to create a basis for filing in the intended court. Current law as written fosters these abuses.

The CLLA strongly supports passage of the Fairness in Bankruptcy Litigation Act of 2005 (the ''Act'') since the proposed legislation addresses these abuses. The Act will help to eliminate the forum shopping that skews the bankruptcy process and will foster greater local control over important business and community decisions. Although the Act may require some technical modifications to achieve and address the legislation's purported goals, its overall provisions and

goals are well grounded and supported by the abuses taking place within the bankruptcy system.

Much has been said among members of Congress that bankruptcy reform is necessary to prevent what it perceives as abuse of the bankruptcy process. A venue provision that requires corporate bankruptcies to be filed at the principal place of business furthers that goal and for all these reasons we encourage the passage of the Act at the earliest opportunity.

Respectfully submitted,

MARY K. WHITMER,
President.
JAY L. WELFORD,
Co-Chair, National Governmental Affairs Committee.
PETER C. CALIFANO,
Chair, Legislative Committee, Bankruptcy Section.
ALAN I. NAHMIAS,
Chair, Bankruptcy Section.
JUDITH GREENSTONE MILLER,
Co-Chair, National Governmental Affairs Committee.

HARVARD LAW SCHOOL,
January 31, 2005.

Senator JOHN CORNYN,
617 Senate Hart Office Building,
Washington, DC.

DEAR SENATOR CORNYN: Since its inception, the central promise of the Federal bankruptcy system is that all creditors—large and small—have equal access to participate in the judicially-supervised liquidation or reorganization of the debtor. No bankruptcy will be run to benefit one group of creditors over another, or to permit the debtor to escape from close scrutiny after its financial collapse.

Unfortunately, that promise has been significantly eroded. Mega-companies and their counsel shop for courts that will render decisions that may favor the debtor, the attorneys or a small group of powerful creditors. These parties often file the bankruptcy petitions in locations far distant from most of the company's business and from most of its creditors, including its workers, retirees and local trade creditors who have made their own investments in the company.

Forum shopping creates an advantage for the insiders, while making it virtually impossible for small creditors to participate in the bankruptcy process. Employees, pensioners, trade creditors and others have claims that are important to them, but that are not large enough to justify millions of dollars in lawyers' fees or trips to distant locations. As a result, many of these smaller parties are shut out of the system. They literally cannot get to the courthouse.

Bankruptcy courts around the country are capable of handling the cases that come their way—large or small. The judges are smart and thoughtful, and the court personnel are dedicated and hard-working. No single court in this country, regardless of its experience, should have an exclusive lock on dealing with big cases. No court has special powers or unique skills to deal with the questions of claims, property of the estate, financing, fraud, attorneys' fees and so on—issues that can arise in any case, regardless of size.

The current system of court shopping harms too many parties. Closing a loophole in the bankruptcy laws that permits this unseemly practice and forcing companies in trouble to subject themselves to the scrutiny of their local courts and local creditors is an important step toward strengthening the credibility of the bankruptcy system. The reform embodied in your proposal is real reform. If a company prospers in part because it draws on the strength of the community where it operates, that same community should be able to participate fully in its financial reorganization.

Very truly yours,

ELIZABETH WARREN,
Leo Gottlieb Professor of Law.

SCHOOL OF LAW,
THE UNIVERSITY OF TEXAS AT AUSTIN,
Austin, Texas, February 6, 2005.

Senator JOHN CORNYN,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR CORNYN: There is no single reform of our Chapter 11 system that is as important as ensuring an end to the forum shopping that has so distorted that system in recent years. The present venue rules are so loosely constructed that they permit any large public' company to file a Chapter 11 pretty much wherever it likes. Naturally, the management of companies in financial trouble and the professionals that advise them take advantage of those rules to choose the forum that will best serve their interests. Often that means a Chapter 11 filing in a courthouse far away from the company's home.

These rules permit the company's management to escape the close scrutiny of intensely interested local media and to avoid attendance at court hearings by employees, local suppliers, and others vitally interested in the case and knowledgeable about the company. They force smaller creditors to file claims from afar, claims that are often the subject of an arbitrary objection by the debtor or that the distant creditor cannot afford to litigate. Conversely, creditors who received some payment before bankruptcy may be the subject of long-distance preference attacks that they cannot properly defend in a remote courthouse, especially if the amounts involved, although substantial, are not enough to justify the expense of a defense. Compounding the problem of expense is the creditor's lack of knowledge of lawyers in the distant forum and the risk, especially in Delaware, that in a big case most experienced local lawyers will already be committed to other clients. On top of these direct injuries to creditors, in cases where a trustee in bankruptcy is appointed, the administration of assets hundreds or thousands of miles removed from the trustee's home cannot be done efficiently and rarely can be done well.

These and other effects of forum shopping are inefficient and prejudicial. In addition, the present system imposes subtle pressures on bankruptcy judges and district judges, who cannot be unaware that their decisions as to venue will determine whether the community and the local bar will be greatly enriched by the administration of large bankruptcy cases. Despite the high degree of professionalism on our federal bench, it is not reasonable to expect that these pressures will have no effect.

Although I am expressing my own opinions and not speaking for the University or the Law School, I write as someone who has practiced, studied, taught, and written about bankruptcy law for over thirty years. Please let me know if I can provide further information that would be helpful to your work.

Respectfully,

JAY L. WESTBROOK,
BENNO C. SCHMIDT,
Chair of Business Law

UNIVERSITY OF CALIFORNIA,
LOS ANGELES, SCHOOL OF LAW,
Los Angeles, CA, January 31, 2005.

Senator JOHN CORNYN,
Hart Senate Office Bldg.,
Washington, DC.

DEAR SENATOR CORNYN: I write to thank you for your courage in proposing the Fairness in Bankruptcy Litigation Act of 2005. This legislation will not only provide protection for all parties to large, public company bankruptcies, it will also protect honest bankruptcy judges from the pressures arising from the necessity to compete for cases. My research suggests that by ending the necessity for the courts to compete for cases, this legislation will result in better reorganizations, the preservation of jobs, and higher returns to creditors and shareholders.

This is a difficult issue to present to the public, because it is both obscure and complex. Please be assured that I and many others appalled by the competition will do whatever we can to assist you.

Yours truly,

LYAN M. LOPUCKI

DEAR SENATOR CORNYN: I am writing to you to support your effort to pass a bill that would prevent corporations from shopping for the most favorable venue. The current practice has resulted in a ''race to the bottom'' as bankruptcy courts work hard to lure corporate bankruptcies to their courts.

I was a professor at the University of Missouri-Kansas City School of Law for almost 20 years. My own worst example is the case of Birch Telecom, a Kansas City-based company that filed in Delaware in 2002. After laying off a quarter of their employees—citizens of Missouri, Kansas, and Texas—Birch went into bankruptcy with a prepared plan (known as a ''pre-pack'') that included significant compensation for the very officers who had led the company into bankruptcy.

A bankruptcy judge from Texas, sitting by designation (because of the volume of cases being filed in Delaware) had the audacity to suggest that he might not approve the plan because of the compensation package. Before his words were out of his mouth, Birch Telecom's attorneys had appealed the reference of the case to that judge. The case was withdrawn, and a Delaware judge, who understood that the game is appeasing the corporate debtors, approved the plan 13 days later.

What possible chance do employees and local creditors have when a distant bankruptcy judge will rubber-stamp the company's every request, in a court too far away for them even to appear?

Congress says that it is trying to stop bankruptcy abuse. Venue shopping is the very worst example of bankruptcy abuse, and it affects the lives of thousands of ordinary Americans—employees and small businesses—every single day.

I wish you good luck in the passage of this important piece of legislation.

Sincerely,

CORINNE COOPER,
Professor Emerita of Law.

CREEL & MOORE, L.L.P.,
ATTORNEYS AND COUNSELORS,
Dallas, TX, February 4, 2005.

Re proposed bankruptcy legislation/venue.

Senator JOHN CORNYN,
Hart Senate Building, Washington, DC.

DEAR SENATOR CORNYN: One of the issues being discussed in connection with proposed bankruptcy legislation is in what venue or venues is it most appropriate for business debtors to initiate voluntary bankruptcy cases, where they conduct their daily business or where they were incorporated.

Because a corporation (or any other type of business organization) seeking bankruptcy relief should do so in a forum that is convenient for itself, its management, its employees and its creditors, Section 1408 of Title 28 of the U.S. Code should be amended to prohibit the right of a debtor corporation to file in the state of its incorporation unless it either has its principal place of business or its principal assets in that state.

The reason for requiring a debtor to seek relief in a bankruptcy court nearest to its actual place of operation is that, otherwise, the rights of the other parties are significantly and adversely affected because of the distance, delay and costs of dealing with a faraway court.

The practice that has developed over the years is that corporations, for example those created under the laws of Delaware, file in Delaware, far from their actual places of business, Texas for example, thus causing their management, employees and creditors to have the burden and expense of travel, to hire distant counsel with whom they have had no prior experience, or both, in order to protect their interests. Many times, at least from a creditor/employee perspective, the inconvenience and expense, when balanced against the probability of an insignificant recovery on a claim, is such that creditors/employees simply abandon their claims, a result which is contrary to the spirit and intent of the Bankruptcy Code.

As a bankruptcy practitioner for over 40 years and one who is active in various bankruptcy organizations, I urge you and your staff to consider the thoughts expressed in their letter.

As the grandfather of Richie Anderson who served as an intern on your staff last summer, I know, from his experience, that you will listen to the opinions of your constituents.

Yours very truly,

L. E. CREEL, III.

WINSTEAD,
February 4, 2005.

Re Bankruptcy Venue Reform

Hon. JOHN CORNYN,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR CORNYN: I write in support of reform of the Bankruptcy Code's current venue provisions.

I am twenty-three year bankruptcy practitioner and head of the bankruptcy practice for our law firm, I additionally serve as Vice President (Business Bankruptcy) of the Bankruptcy Section of the State Bar of Texas and am national co-chair of the Unsecured Trade Creditors' Committee of the American Bankruptcy Institute. My practice, while focused in Texas, brings me before courts throughout the country—particularly those in Delaware and New York.

Practicing in Texas, I have personal experience with the unfortunate practice of companies and their counsel shopping for forums. Whether to escape the watchful eye of employees, creditors or the press, numerous companies from around the country have filed bankruptcy cases in the District of Delaware or the Southern District of New York to obtain what they believed would be either favorable treatment or a venue for their bankruptcy cases which would in large measure frustrate the rights and interests of their creditors and employees. It is for these reasons, among others, that I strongly support a modification of the Bankruptcy Venue Statute and urge prompt action.

If I can be of any assistance to you, please do not hesitate to call upon me. Best regards.

Very truly yours,

BERRY D. SPEARS.

MUNSCH HARDT KOPF & HARR PC,
ATTORNEYS & COUNSELORS,
February 7, 2005.

Re Amendment to Section 1408 of Title 28, United States Code

Hon. JOHN CORNYN,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR CORNYN: As a bankruptcy practitioner for some 25 years, I am writing to voice my support for an amendment to the venue provisions of Section 1408 of Title 28, United States Code. As has been well documented, the concept of ''forum shopping'' by significant Chapter 11 Debtors throughout the country has become an art form over the last few years. Certain jurisdictions now actively campaign to attract large, high-profile bankruptcy cases to their venue. It goes without saying that bankruptcy judges must become ''Debtor friendly'' in order to maintain the attractiveness of these venue options. Accordingly, decisions relating to the allowance of professional fees, conflicts and other critical bankruptcy issues have become disparate throughout the country.

An amendment to Section 1408, which limits the use of the state of incorporation to those instances where the Debtors' principal place of business or principal assets reside, will promote uniformity as well as removing some of the perceived inequities in the system. The public's perception of a fair and uniform bankruptcy system is paramount.

Thank you for your interest in this legislation.

Very truly yours,

RUSSELL L. MUNSCH.

FULBRIGHT & JAWORSKI, L.L.P.,
Houston, Texas, February 7, 2005.

Re bankruptcy venue reform.

Senator JOHN CORNYN,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR CORNYN: I write you to express my strong support for bankruptcy venue reform. By way of introduction, I have been a partner in the bankruptcy section of Fulbright & Jaworski since June 1, 2004. Prior to that, I served as a United States Bankruptcy Judge in Houston for almost 17 years, resigning as Chief Judge a day before I joined Fulbright.

Over the many years of my judicial career, I watched as many cases which should have been filed in Texas instead found their way to the dockets of courts in Delaware, New York, or some other distant jurisdiction. This migration of large cases is not unique to Texas and it represents a fundamental flaw in the perceived and actual fairness of the bankruptcy system. The ''little people'' (small creditors, former employees, etc.) in a large bankruptcy case are at once the most vulnerable economically and the parties least capable of participating in a distant forum.

I firmly feel the integrity of today's bankruptcy system requires that the rights of all involved be protected and that fair access to court be ensured. Bankruptcy venue reform would be a tremendous step toward rectifying these problems.

The opinions expressed in this letter are my own and not those of Fulbright & Jaworski or its clients. I appreciate your consideration of my concerns. If you should have any questions or need additional information or assistance from me, please do not hesitate to contact me.

Sincerely,

WILLIAM GREENDYKE.

JANUARY 31, 2005.

Senator JOHN CORNYN,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR CORNYN: On behalf of the National Association of Credit Management (NACM), I am writing to express the support of NACM National Board of Directors and the NACM membership for the Venue in Bankruptcy Cases bill scheduled to be introduced by Senator Cornyn. This important legislation would provide enormous relief to the thousands of business creditors, and most importantly to small business creditors whose interests are routinely impaired by a bankruptcy process that is long-overdue for change.

NACM is a 22,000-member trade association, representing the interests of corporate (commercial) credit executives. NACM was founded in 1896 and represents both American business credit professionals in all 50 states as well as business credit executives in more than 30 countries worldwide. NACM's mission is to ensure the constant improvement and enhancement of the business trade credit profession and process.

NACM's membership comprises all types of businesses: manufacturers, wholesalers, service industries, and financial institutions. NACM's members range in size from small businesses to a majority of the Fortune 500. NACM members make the daily decisions to extend unsecured, business and trade credit from one company to another. NACM members—the business credit executive—approve and provide billions of dollars each day in business and trade credit, which fuels this country's business economy.

This bill would provide much needed relief to businesses and—perhaps even more importantly—to small businesses. This bill would provide relief to the current practice of requesting a transfer of venue, which is both expensive and time consuming to both the debtor's estate and to creditors. Additionally, this bill would address any abuse that currently exists in the Code that encourages ''shopping'' cases into a ''friendly forum''.

Our membership stands ready to provide whatever level of support is needed to advance this important legislation. As the national organization representing the decision makers within the American economic model who drive commerce, we hope you will ensure that Congressional leadership will take action on this bill as expeditiously as possible.

We must provide immediate relief to the small business that simply cannot afford to wait any longer for bankruptcy reform from Congress.

Thank you for your consideration of our comments and please let us know what we can do to assist you in advancing this legislation.

Sincerely yours,

ROBIN SCHAUSELL, CAE,
President.

By Mr. FEINGOLD:

S. 315. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation today that would increase the mileage reimbursement rate for volunteers.

Under current law, when volunteers use their cars for charitable purposes, the volunteers may be reimbursed up to 14 cents per mile for their donated services without triggering a tax consequence for either the organization or the volunteers. If the charitable organization reimburses any more than that, they are required to file an information return indicating the amount, and the volunteers must include the amount over 14 cents per mile in their taxable income. By contrast, the mileage reimbursement level currently permitted for businesses is 40.5 cents per mile.

We are asking volunteers and volunteer organizations to bear a greater burden of delivering essential services. But the 14 cents per mile limit is posing a very real hardship for charitable organizations and other nonprofit groups. I have heard from a number of people in Wisconsin on the need to increase this reimbursement limit.

A representative of one organization, the Portage County Department on Aging, explained just how important volunteer drivers are to their ability to provide services to seniors in that county. The Department on Aging reported that dozens of volunteer drivers delivered meals to homes and transported people to medical appointments, meal sites, and other essential services.

As many of my colleagues know, the senior meals program is one of the most vital services provided under the Older Americans Act, and ensuring that meals can be delivered to seniors or that seniors can be taken to meal sites is an essential part of that program. Unfortunately, Federal support for the senior nutrition programs has stagnated in recent years. This has increased pressure on local programs to leverage more volunteer services to make up for lagging Federal support. The 14 cents per mile reimbursement limit, though, increasingly poses a barrier to obtaining those contributions. Portage County reports that many of their volunteers cannot afford to offer their services under such a restriction. And if volunteers cannot be found, their services will have to be replaced by contracting with a provider, greatly increasing costs to the Department, costs that come directly out of the pot of funds available to pay for meals and other services.

And the same is true for thousands of other non-profit and charitable organizations that provide essential services to communities across our Nation.

By contrast, businesses do not face this restrictive mileage reimbursement limit. The comparable mileage rate for someone who works for a business is currently 40.5 cents per mile. This disparity means that a business hired to deliver the same meals delivered by volunteers for Portage County may reimburse their employees over double the amount permitted the volunteer without a tax consequence.

This doesn't make sense. The 14 cents per mile volunteer reimbursement limit is badly outdated. According to the Congressional Research Service, Congress first set a reimbursement rate of 12 cents per mile as part of the Deficit Reduction Act of 1984, and did not increase it until 1997, when the level was raised slightly, to 14 cents per mile, as part of the Taxpayer Relief Act of 1997.

The bill I am introducing today is identical to a measure I introduced in the 107th Congress and the 108th Congress in nearly every respect. It raises the limit on volunteer mileage reimbursement to the level permitted to businesses. It is essentially the same provision passed by the Senate as part of a tax bill in 1999, and it is essentially the same provision that passed the Senate as part of the CARE Act.

At the time of the 1999 tax bill, the Joint Committee on Taxation (JCT) estimated that the mileage reimbursement provision would result in the loss of $1 million over the five-year fiscal period from 1999 to 2004. The revenue loss was so small that the JCT did not make the estimate on a year by year basis.

Though the revenue loss is small, it is vital that we do everything we can to move toward a balanced budget, and to that end I have included a provision to fully offset the cost of the measure and make it deficit neutral. That provision increases the criminal monetary penalties for individuals and corporations convicted of tax fraud. The provision passed the Senate in the 108th Congress as part of the JOBS bill, but was later dropped in conference and was not included in the final version of that bill.

I urge my colleagues to support this measure. It will help ensure charitable organizations can continue to attract the volunteers that play such a critical role in helping to deliver services and it will simplify the tax code both for nonprofit groups and the volunteers themselves.

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

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

S. 315

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

SECTION 1. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139A the following new section:

"SEC. 139B. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

''(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

''(1) by using the standard business mileage rate established under such section, and

''(2) as if the individual were an employee of an organization not described in section 170(c).

''(b) NO DOUBLE BENEFIT.—Subsection (a) shall not apply with respect to any expenses if the individual claims a deduction or credit for such expenses under any other provision of this title.

''(c) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 139A and inserting the following new item:

''Sec. 139B. Reimbursement for use of passenger automobile for charity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 2. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 of the Internal Revenue Code of 1986 (relating to fraud and false statements) is amended—

(1) by striking ''Any person who—'' and inserting ''(a) IN GENERAL.—Any person who—'', and

(2) by adding at the end the following new subsection:

''(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.''.

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$100,000'' and inserting ''$250,000'',

(B) by striking ''$500,000'' and inserting ''$1,000,000'', and

(C) by striking ''5 years'' and inserting ''10 years''.

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 of such Code is amended—

(A) in the first sentence—

(i) by striking ''misdemeanor'' and inserting ''felony'', and

(ii) by striking ''1 year'' and inserting ''10 years'', and

(B) by striking the third sentence.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) of such Code (as redesignated by subsection (a)) is amended—

(A) by striking ''$100,000'' and inserting ''$250,000'',

(B) by striking ''$500,000'' and inserting ''$1,000,000'', and

(C) by striking ''3 years'' and inserting ''5 years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to underpayments and overpayments attributable to actions occurring after the date of the enactment of this Act.

By Mr. FEINGOLD:

S. 316. A bill to limit authority to delay notice of search warrants; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will reintroduce in the Senate the Reasonable Notice and Search Act. This bill is nearly identical to a bill I introduced in the 108th Congress, S. 1701. It addresses Section 213 of the USA-PATRIOT Act, the provision of that important statute passed in the wake of the 9/11 attacks that has caused perhaps the most concern among Members of Congress and the public. Section 213, sometimes referred to as the ''delayed notice search provision'' or the ''sneak and peek provision,'' authorizes the government in limited circumstances to conduct a search without immediately serving a search warrant on the owner or occupant of the premises that have been searched.

Prior to the PATRIOT Act, secret searches for physical evidence were performed in some jurisdictions under the authority of Court of Appeals decisions, but the Supreme Court never definitively ruled whether they were constitutional. Section 213 of the PATRIOT Act authorized delayed notice warrants in any case in which an ''adverse result'' would occur if the warrant were served before the search was executed. Adverse result was defined as including: 1. endangering the life or physical safety of an individual; 2. flight from prosecution; 3. destruction of or tampering with evidence; 4. intimidation of potential witnesses; or 5. otherwise seriously jeopardizing an investigation or unduly delaying a trial. This last catch-all category could apply in virtually any criminal case. In addition, while some courts had required the service of the warrant within a specified period of time, the PATRIOT Act simply required that the warrant specify that it would be served within a ''reasonable'' period of time after the search.

It is interesting to note that this provision of the PATRIOT Act was not limited to terrorism cases. In fact, before the PATRIOT Act passed, the FBI already had the authority to conduct secret searches of foreign terrorists and spies with no notice at all under the Foreign Intelligence Surveillance Act. Furthermore, the PATRIOT Act ''sneak and peek'' authority was not made subject to the sunset provision that will cause many of the new surveillance provisions of the act to expire at the end of this year unless Congress reenacts them. So Section 213 was pretty clearly a provision that the Department of Justice wanted regardless of the terrorism threat after 9/11.

Perhaps that is why this provision has caused such controversy since it was passed. In 2003, by a wide bipartisan margin, the House passed an amendment to the Commerce-Justice-State appropriations bill offered by Representative Otter from Idaho, a Republican, to stop funding for delayed notice searches authorized under section 213. The size of the vote took the Department by surprise, and it immediately set out to defend the provision aggressively. Clearly, this is a power that the Department does not want to lose.

I raised concerns about the sneak and peek provision when it was included in the PATRIOT Act. I did not, and still do not, believe there had been adequate study and analysis of the justifications for these searches and the potential safeguards that might be included. I did not argue then, however, and I am not arguing now that there should be no delayed notice searches at all and that the provision should be repealed. I simply believe that this provision should be modified to protect against abuse. My bill will do four things to accomplish this.

First, my bill would narrow the circumstances in which a delayed notice warrant can be granted to the following: potential loss of life, flight from prosecution, destruction or tampering with evidence, or intimidation of potential witnesses. The ''catch-all provision'' in section 213, allowing a secret search when serving the warrant would ''seriously jeopardize an investigation or unduly delay a trial'' can too easily be turned into permission to do these searches whenever the government wants.

Second, I believe that any delayed notice warrant should provide for a specific and limited time period within which notice must be given—7 days. This is consistent with some of the pre-PATRIOT Act court decisions and will help to bring this provision in closer accord with the Fourth Amendment to the Constitution. Under my bill, prosecutors will be permitted to seek 7-day extensions if circumstances continue to warrant that the subject not be made aware of the search. But the default should be a week, unless a court is convinced that more time should be permitted.

Third, Section 213 should include a sunset provision so that it expires along with the other expanded surveillance provisions in Title II of the PATRIOT Act, at the end of 2005. This will allow Congress to determine if the balance between civil liberties and law enforcement has been correctly struck.

Finally, the bill requires a public report on the number of times that section 213 is used, the number of times that extensions are sought beyond the 7-day notice period, and the type of crimes being investigated with this power. This information will help the public and Congress evaluate the need for this authority and determine whether it should be retained or modified after the sunset.

These are reasonable and moderate changes to the law. They do not gut the provision. Rather, they recognize the growing and legitimate concern from across the political spectrum that this provision was passed in haste and presents the potential for abuse. They also send a message that Fourth Amendment rights have meaning and potential violations of those rights should be minimized if at all possible. I urge my colleagues to support this bill.

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. 316

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 ''Reasonable Notice and Search Act''.

SEC. 2. LIMITATION ON AUTHORITY TO DELAY NOTICE OF SEARCH WARRANTS.

Section 3103a of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''may have an adverse result (as defined in section 2705)'' and inserting ''will endanger the life or physical safety of an individual, result in flight from prosecution, result in the destruction of or tampering with the evidence sought under the warrant, or result in intimidation of potential witnesses''; and

(B) in paragraph (3), by striking ''a reasonable period'' and all that follows and inserting ''7 calendar days, which period, upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, may thereafter be extended by the court for additional periods of up to 7 calendar days each if the court finds, for each application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, result in the destruction of or tampering with the evidence sought under the warrant, or result in intimidation of potential witnesses.''; and

(2) by adding at the end the following:

''(c) REPORTS.—

''(1) IN GENERAL.—On a semiannual basis, the Attorney General shall transmit to Congress and make public a report concerning all requests for delays of notice, and for extensions of delays of notice, with respect to warrants under subsection (b).

''(2) CONTENTS.—Each report under paragraph (1) shall include, with respect to the preceding 6-month period—

''(A) the total number of requests for delays of notice with respect to warrants under subsection (b);

''(B) the total number of such requests granted or denied;

''(C) for each request for delayed notice that was granted, the total number of applications for extensions of the delay of notice and the total number of such extensions granted or denied; and

''(D) on an aggregate basis, the nature of the crime being investigated for each request for delay of notice that was granted or denied.''.

SEC. 3. SUNSET ON DELAYED NOTICE AUTHORITY.

(a) PATRIOT ACT.—Section 224(a) of the USA PATRIOT Act of 2001 (Public Law 107–56; 115 Stat. 295) is amended by striking ''213,''.

(b) AMENDMENTS.—The amendments made by this Act shall sunset as provided in section 224 of the USA PATRIOT Act of 2001.

By Mr. FEINGOLD (for himself, Mr. AKAKA, Mr. BINGAMAN, Ms. CANTWELL, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. JEFFORDS, Mr. KENNEDY, and Mr. WYDEN):

S. 317. A bill to protect privacy by limiting the access of the Government to library, bookseller, and other personal records for foreign intelligence and counterintelligence purposes; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will reintroduce the Library, Bookseller, and Personal Records Privacy Act. The bill is identical to the bill I introduced in the 108th Congress, S. 1507.

This bill would amend Sections 215 and 505 of the USA–PATRIOT Act to protect the privacy of law-abiding Americans. It would set reasonable limits on the Federal Government's access to library, bookseller, medical, and other sensitive, personal information under the Foreign Intelligence Surveillance Act (''FISA'') and related foreign intelligence authority.

I am pleased that several of my distinguished colleagues have joined me as original cosponsors of this important legislation.

Millions of Patriotic Americans love our country and support our military men and women in their difficult missions abroad, but worry about the fate of our Constitution here at home.

Much of our Nation's strength comes from our constitutional liberties and respect for the rule of law. That is what has kept us free for our two and a quarter century history. Our constitutional freedoms, our American values, are what make our country worth fighting for as we strive to win the war on terror.

Here at home, there is no question that the FBI needs ample resources and legal authority to prevent future acts of terrorism. But the PATRIOT Act went too far when it comes to the government's access to personal information about law abiding Americans.

Even though in the end I opposed the PATRIOT Act, there were many provisions that I did support. And even in those provisions I sought to amend when the bill was debated, there was often some change that I supported. For example, Congress was right to expand the category of business records that the FBI could obtain pursuant to the Foreign Intelligence Surveillance Act. Prior to the PATRIOT Act, the FBI could seek a court order to obtain only travel records—such as airline, hotel, and car rental records—and records maintained by storage facilities. The PATRIOT Act allows any business records to be subpoenaed. I don't quibble with that change.

But what my colleagues and I do find problematic—and an increasing number of Americans who value their privacy and First Amendment rights agree with us—is that the current law allows the FBI broad, almost unfettered access to personal information about law-abiding Americans who have no connection to terrorism or spying.

Section 215 of the PATRIOT Act requires the FBI to show in an application to the court that the documents are ''sought for'' an international terrorism or foreign intelligence investigation. There is no requirement that the FBI make a showing of individualized suspicion that the documents relate to a suspected terrorist or spy.

In other words, under current law, the FBI could serve a subpoena on a library for all the borrowing records of its patrons or on a bookseller for the purchasing records of its customers simply by asserting that they want the records for a terrorism investigation.

Since the passage of the PATRIOT Act, librarians and booksellers have become increasingly concerned by the potential for abuse of this law. I was pleased to stand with the American Booksellers Association and the Free Expression Network over 2 years ago when we first started to raise these concerns.

Librarians and booksellers are concerned that under the PATRIOT Act, the FBI could seize records from libraries and booksellers in order to monitor what books Americans have purchased or borrowed, or who has used a library's or bookstore's internet computer stations, even if there is no evidence that the person is a terrorist or spy, or has any connection to a terrorist or spy.

These concerns are so strong that some librarians across the country have taken the unusual step of destroying records of patrons' book and computer use, as well as posting signs on computer stations warning patrons that whatever they read or access on the internet could be monitored by the federal government.

As a librarian in California said, ''We felt strongly that this had to be done. . . . The government has never had this kind of power before. It feels like Big Brother.''

And as the executive director of the American Library Association said, ''This law is dangerous. . . . I read murder mysteries—does that make me a murderer? I read spy stories—does that mean I'm a spy? There's no clear link between a person's intellectual pursuits and their actions.''

The American people do not know how many or what kind of requests Federal agents have made for library records under the PATRIOT Act. The Justice Department refuses to release that information to the public.

But in a survey released by the University of Illinois at Urbana-Champaign, about 550 libraries around the Nation reported having received requests from Federal or local law enforcement during the past year. About half of the libraries said they complied with the law enforcement request, and another half indicated that they had not.

Americans don't know much about these incidents, because the law also contains a provision that prohibits anyone who receives a subpoena from disclosing that fact to anyone.

In testimony before the Judiciary Committee, Attorney General Ashcroft stated that as of September 18, 2003, the Department of Justice had never used Section 215. The Department has not made that claim in public testimony since then, leading many to speculate that the provision has now been used. Whether it has been used once, or dozens of times, the problem with the section remains—it is too broad and does not permit adequate judicial supervision. There is a potential for overreaching that Congress must address.

David Schwartz, president of Harry W. Schwartz Bookshops, the oldest and largest independent bookseller in Milwaukee, summed up well the American values at stake when he said: ''The FBI already has significant subpoena powers to obtain records. There is no need for the government to invade a person's privacy in this way. This is a uniquely un-American tool, and it should be rejected. The books we read are a very private part of our lives. People could stop buying books, and they could be terrified into silence.''

I would not claim that we have reached the point where people in this country are afraid to buy books, but section 215 is a tool that is unnecessarily broad. And it raises the specter of indiscriminate government snooping into the private lives of innocent citizens, which is an unnecessary distraction from the serious law enforcement work that is needed to fight terrorism.

It is time to reconsider those provisions of the PATRIOT Act that are un-American and, frankly, unpatriotic.

But my concerns with the PATRIOT Act go beyond library and bookseller

records. Under section 215 of the PATRIOT Act, the FBI could seek any records maintained by a business. These business records could contain sensitive, personal information—for example, medical records maintained by a doctor or hospital or credit records maintained by a credit agency. All the FBI would have to do is simply assert that the records are ''sought for'' its terrorism or foreign intelligence investigation.

Section 215 of the PATRIOT Act goes too far. Americans rightfully have a reasonable expectation of privacy in their library, bookstore, medical, financial, or other records containing personal information. Prudent safeguards are needed to protect these legitimate privacy interests.

The Library, Bookseller, and Personal Records Privacy Act is a reasonable solution. It would restore a pre-PATRIOT Act requirement that the FBI make a factual, individualized showing that the records sought pertain to a suspected terrorist or spy while leaving in place other PATRIOT Act expansions of this business records power.

My bill will not prevent the FBI from doing its job. It recognizes that the post-September 11 world is a different world. There are circumstances when the FBI should legitimately have access to library, bookseller, or other personal information.

I'd like to take a moment to explain how the safeguard in my bill would be applied. Suppose the FBI is conducting an investigation of an international terrorist organization. It has information that suspected members of the group live in a particular neighborhood. The FBI would like to obtain records from the library in the suspects' neighborhood. Under current law, the FBI could decide to ask the library for all records concerning anyone who has ever borrowed a book or used a computer, and what books were borrowed, simply by asserting that the documents are sought for a terrorism investigation. But under my bill, the FBI could not do so. The FBI would have to set forth specific and articulable facts giving reason to believe that the person to whom the records pertain is a suspected terrorist. The FBI could obtain only those library records—such as borrowing records or computer sign-in logs—that pertain to the suspected terrorists. The FBI could not obtain library records concerning individuals who are not suspected terrorists.

So, under my bill, the FBI can still obtain documents that it legitimately needs, but my bill would also protect the privacy of law-abiding Americans. I might add that if, as the Justice Department says, the FBI is using its PATRIOT Act powers in a responsible manner, does not seek the records of law-abiding Americans, and only seeks the records of suspected terrorists or suspected spies, then there is no reason for the Department to object to my bill.

The second part of my bill would address privacy concerns with another Federal law enforcement power expanded by the PATRIOT Act—the FBI's national security letter authority. The FBI does not need court approval to use this power.

My bill would amend section 505 of the PATRIOT Act. Part of this section relates to the production of records maintained by electronic communications providers. Libraries or bookstores with internet access for customers could be deemed ''electronic communication providers'' and therefore be subject to a request by the FBI under its NSL authority.

As I mentioned earlier, some librarians are so concerned about the potential for abuse by the FBI that they have taken matters into their own hands before the FBI knocks on their door. Some librarians have begun shredding on a daily basis sign-in logs and other documents relating to the public's use of library computer terminals to access the internet.

Again, safeguards are needed to ensure that any individual who accesses the internet at a library or bookstore does not automatically give up all expectations of privacy. Like the section 215 fix I've discussed, my bill would require an individualized showing by the FBI of how the records of internet usage maintained by a library or bookseller pertain to a suspected terrorist or spy.

Yes, the American people want the FBI to be focused on preventing terrorism. And, yes, it may make sense to make some changes to the law to allow the FBI access to the information that it needs to prevent terrorism. But we do not need to change the values that constitute who we are as a Nation in order to protect ourselves from terrorism. We can protect both our Nation and our privacy and civil liberties.

An increasing number of Americans are beginning to understand that the PATRIOT Act went too far. Four States and over 350 cities and counties across the country have now passed resolutions expressing opposition to the PATRIOT Act. And it's not just the Berkeleys and Madisons of this Nation, but other States and communities with strong conservative and libertarian values, such as Alaska and cities in Montana, that have passed such resolutions.

I have many concerns with the PATRIOT Act. I am not seeking to repeal it, in whole or in part. In this bill, my colleagues and I are only seeking to modify two provisions that pose serious potential for abuse.

The privacy of law-abiding Americans is at stake, along with their confidence in their government. Congress should act to protect our privacy and reassure our citizens. The Library, Bookseller, and Personal Records Privacy Act bill is a reasonable approach to do just that. I urge my colleagues to support this legislation.

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. 317

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 ''Library, Bookseller, and Personal Records Privacy Act''.

SEC. 2. PRIVACY PROTECTIONS ON GOVERNMENT ACCESS TO LIBRARY, BOOKSELLER, AND OTHER PERSONAL RECORDS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) APPLICATIONS FOR ORDERS.—Subsection (b) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

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

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

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

''(3) shall specify that there are specific and articulable facts giving reason to believe that the person to whom the records pertain is a foreign power or an agent of a foreign power.''.

(b) ORDERS.—Subsection (c)(1) of that section is amended by striking ''finds'' and all that follows and inserting ''finds that—

''(A) there are specific and articulable facts giving reason to believe that the person to whom the records pertain is a foreign power or an agent of a foreign power; and

''(B) the application meets the other requirements of this section.''.

(c) OVERSIGHT OF REQUESTS FOR PRODUCTION OF RECORDS.—Section 502 of that Act (50 U.S.C. 1862) is amended—

(1) in subsection (a), by striking ''the Permanent'' and all that follows through ''the Senate'' and inserting ''the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate''; and

(2) in subsection (b), by striking ''On a semiannual basis,'' and all that follows through ''a report setting forth'' and inserting ''The report of the Attorney General to the Committees on the Judiciary of the House of Representatives and the Senate under subsection (a) shall set forth''.

SEC. 3. PRIVACY PROTECTIONS ON GOVERNMENT ACCESS TO INFORMATION ON COMPUTER USERS AT BOOKSELLERS AND LIBRARIES UNDER NATIONAL SECURITY AUTHORITY.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) RECORDS OF BOOKSELLERS AND LIBRARIES.—(1) When a request under this section is made to a bookseller or library, the certification required by subsection (b) shall also specify that there are specific and

articulable facts giving reason to believe that the person or entity to whom the records pertain is a foreign power or an agent of a foreign power.

''(2) In this subsection:

''(A) The term 'bookseller' means a person or entity engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

''(B) The term 'library' means a library (as that term is defined in section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2))) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination, or circulation.

''(C) The terms 'foreign power' and 'agent of a foreign power' have the meaning given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

(b) SUNSET OF CERTAIN MODIFICATIONS ON ACCESS.—Section 224(a) of the USA PATRIOT ACT of 2001 (Public Law 107–56; 115 Stat. 295) is amended by inserting ''and section 505'' after ''by those sections)''.

By Mr. FEINGOLD:

S. 318. A bill to clarify conditions for the interceptions of computer trespass communications under the USA–PATRIOT Act; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased to introduce the Computer Trespass Clarification Act of 2005, which would amend and clarify section 217 of the USA–PATRIOT Act. This bill is virtually identical to a bill I introduced in the 108th Congress, S. 2783.

Section 217 of the PATRIOT Act addresses the interception of computer trespass communications. This bill would modify existing law to more accurately reflect the intent of the provision, and also protect against invasions of privacy.

Section 217 was designed to permit law enforcement to assist computer owners who are subject to denial of service attacks or other episodes of hacking. The original Department of Justice draft of the bill that later became the PATRIOT Act included this provision. A section by section analysis provided by the Department on September 19, 2001, stated the following: ''Current law may not allow victims of computer trespassing to request law enforcement assistance in monitoring unauthorized attacks as they occur. Because service providers often lack the expertise, equipment, or financial resources required to monitor attacks themselves as permitted under current law, they often have no way to exercise their rights to protect themselves from unauthorized attackers. Moreover, such attackers can target critical infrastructures and engage in cyberterrorism. To correct this problem, and help to protect national security, the proposed amendments to the wiretap statute would allow victims of computer attacks to authorize persons 'acting under color of law' to monitor trespassers on their computer systems in a narrow class of cases.''

I strongly supported the goal of giving computer system owners the ability to call in law enforcement to help defend themselves against hacking. Including such a provision in the PATRIOT Act made a lot of sense. Unfortunately, the drafters of the provision made it much broader than necessary, and refused to amend it at the time we debated the bill in 2001. As a result, the law now gives the government the authority to intercept communications by people using computers owned by others as long as they have engaged in some unauthorized activity on the computer, and the owner gives permission for the computer to be monitored—all without judicial approval.

Only people who have a ''contractual relationship'' with the owner allowing the use of a computer are exempt from the definition of a computer trespasser under section 217 of the PATRIOT Act. Many people—for example, college students, patrons of libraries, Internet cafes or airport business lounges, and guests at hotels—use computers owned by others with permission, but without a contractual relationship. They could end up being the subject of government snooping if the owner of the computer gives permission to law enforcement.

My bill would clarify that a computer trespasser is not someone who has permission to use a computer by the owner or operator of that computer. It would bring the existing computer trespass provision in line with the purpose of section 217 as expressed in the Department of Justice's initial explanation of the provision. Section 217 was intended to target only a narrow class of people: Unauthorized cyberhackers. It was not intended to give the government the opportunity to engage in widespread surveillance of computer users without a warrant.

I should note that there is no specific evidence that the provision is being abused. But, of course, unless criminal charges are brought against someone as a result of such surveillance, there would never be any notice at all that the surveillance has taken place. The computer owner authorizes the surveillance, and the FBI carries it out. There is no warrant, no court proceeding, no opportunity even for the subject of the surveillance to challenge the assertion of the owner that some unauthorized use of the computer has occurred.

My bill would modify the computer trespass provision in the following ways to protect against abuse, while still maintaining its usefulness in cases of denial of service attacks and other forms of hacking.

First, it would require that the owner or operator of the protected computer authorizing the interception has been subject to ''an ongoing pattern of communications activity that threatens the integrity or operation of such computer.'' In other words, the owner has to be the target of some kind of hacking.

Second, the bill limits the length of warrantless surveillance to 96 hours. This is twice as long as is allowed for an emergency wiretap. With four days of surveillance, it should not be difficult for the government to gather sufficient evidence of wrongdoing to obtain a warrant if continued surveillance is necessary.

Finally, the bill would require the Attorney General to annually report on the use of Section 217 to the Senate and House Judiciary Committees. Section 217 is one of the provisions that is subject to the sunset provision in the PATRIOT Act and will expire at the end of 2005. We in the Congress need to do more oversight of the use of this and other provisions of PATRIOT Act in order to evaluate their effectiveness.

The computer trespass provision now in the law as a result of section 217 of the PATRIOT Act leaves open the possibility for significant and unnecessary invasions of privacy. The reasonable and modest changes to the provision contained in this bill preserve the usefulness of the provision for investigations of cyberhacking, but reduce the possibility of government abuse. We must continually seek to balance the need for effective tools to fight crime and terrorism against the civil liberties of our citizens. The Computer Trespass Clarification Act strikes the right balance, 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. 318

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 ''Computer Trespass Clarification Act of 2005''.

SEC. 2. AMENDMENTS TO TITLE 18.

(a) DEFINITIONS.—Section 2510(21)(B) of title 18, United States Code, is amended by—

(1) inserting ''or other'' after ''contractual''; and

(2) striking ''for access'' and inserting ''permitting access''.

(b) INTERCEPTION AND DISCLOSURE.—Section 2511(2)(i) of title 18, United States Code, is amended—

(1) in clause (I), by inserting after ''the owner or operator of the protected computer'' the following: ''is attempting to respond to communications activity that threatens the integrity or operation of such computer and requests assistance to protect rights and property of the owner or operator, and''; and

(2) in clause (IV), by inserting after ''interception'' the following: ''ceases as soon as the communications sought are obtained or after 96 hours, whichever is earlier, unless an interception order is obtained under this chapter, and''.

(c) REPORT.—The Attorney General shall, within 60 days of enactment and annually

thereafter, report to the Committees on the Judiciary of the Senate and the House of Representatives on the use during the previous year of section 2511 of title 18, United States Code, relating to computer trespass provisions as amended by subsection (b).

By Mr. DOMENICI (for himself and Mr. KENNEDY):

S. 319. 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 Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, I rise today with my friend Senator KENNEDY to introduce a bill that will raise the minimum grant amounts given to States and territories under the PATH program. The PATH program provides services through formula grants of at least $300,000 to each State, the District of Columbia and Puerto Rico and $50,000 to eligible U.S. territories. Subject to available appropriations, this bill will raise the minimum allotments to $600,000 to each State and $100,000 to eligible US territories.

When the PATH program was established in fiscal year 1991 as a formula grant program, Congress appropriated $33 million. That amount has steadily increased over the years with Congress appropriating $55 million this past year. However, despite these increases, States and territories such as New Mexico that have rural and frontier populations, have not received an increase in their PATH funds. Under the formula, as it currently exists, many states and territories will never receive an increase to their PATH program, even with increasing demand and inflation. This problem is occurring in my home State of New Mexico as well as twenty-five other States and territories throughout the United States.

The PATH program is authorized under the Public Health Service Act and it funds community-based outreach, mental health, substance abuse, case management and other support services, as well as a limited set of housing services for people who are homeless and have serious mental illnesses. Program services are provided in a variety of different settings, including clinic sites, shelter-based clinics, and mobile units. In addition, the PATH program takes health care services to locations where homeless individuals are found, such as streets, parks, and soup kitchens.

PATH services are a key element in the plan to end chronic homelessness. Every night, an estimated 600,000 people are homeless in America. Of these, about one-third are single adults with serious mental illnesses. I have worked closely with organizations in New Mexico such as Albuquerque Health Care for the Homeless and I have seen first hand the difficulties faced by the more than 15,000 homeless people in New Mexico, 35 percent of who are chronically mentally ill or mentally incapacitated.

PATH is a proven program that has been very successful in moving people out of homelessness. PATH has been reviewed by the Office of Management and Budget and has scored significantly high marks in meeting program goals and objectives. Unquestionably, homelessness is not just an urban issue. Rural and frontier communities face unique challenges in serving PATH eligible persons and the PATH program funding mechanisms must account for these differences.

Thank you and I look forward to working with my colleague Senator KENNEDY on this important issue.

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. 319

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

SECTION 1. MINIMUM ALLOTMENTS UNDER THE PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS PROGRAM.

Section 524 of the Public Health Service Act (42 U.S.C. 290cc–24) is amended to read as follows:

"SEC. 524. DETERMINATION OF AMOUNT OF ALLOTMENT.

''(a) DETERMINATION UNDER FORMULA.—Subject to subsection (b), the allotment required in section 521 for a State for a fiscal year is the product of—

''(1) an amount equal to the amount appropriated under section 535 for the fiscal year; and

''(2) a percentage equal to the quotient of—

''(A) an amount equal to the population living in urbanized areas of the State involved, as indicated by the most recent data collected by the Bureau of the Census; and

''(B) an amount equal to the population living in urbanized areas of the United States, as indicated by the sum of the respective amounts determined for the States under subparagraph (A).

''(b) MINIMUM ALLOTMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), the allotment for a State under section 521 for a fiscal year shall, at a minimum, be the greater of—

''(A) the amount the State received under section 521 in fiscal year 2005; and

''(B) $600,000 for each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, and $100,000 for each of Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(2) CONDITION.—If the funds appropriated in any fiscal year under section 535 are insufficient to ensure that States receive a minimum allotment in accordance with paragraph (1), then—

''(A) no State shall receive less than the amount they received in fiscal year 2005; and

''(B) any funds remaining after amounts are provided under subparagraph (A) shall be used to meet the requirement of paragraph (1)(B), to the maximum extent possible.''.

By Mr. ALLARD:

S. 320. A bill to require the Secretary of the Army to carry out a pilot on compatible use buffers on real property bordering Fort Carson, Colorado, and for other purposes; to the Committee on Armed Services.

Mr. ALLARD. Mr. President, I rise today to introduce the Fort Carson Conservation Act of 2005 and take a moment to explain why this legislation is critical to our national security.

Since World War II, hundreds of thousands of soldiers at Fort Carson have trained in relative isolation. With few current residents nearby, the Army has been using Fort Carson's ranges for large-scale training exercises, weapons testing and live fire. This training often occurs at night, a vital capability given the Army's preference to conduct military operations in darkness.

The 140,000 acre Army installation and training facility was once miles from Colorado Springs and Pueblo. As both cities grow closer to the base's fence line, Fort Carson is facing constraints on its training flexibility, impacting military readiness. The issue of training at the post is particularly relevant considering nearly 15,000 soldiers based at Fort Carson have been deployed or are currently employed to Iraq.

The situation is not getting better. Over the last two decades, real estate and industrial development along Colorado's front range has exploded. Hundreds of thousands of people have moved to the Centennial State and settled along the 1–25 corridor. I remember the days when it was possible to drive for miles along the eastern foothills of the Rocky Mountains and encounter few if any residential areas. Today, there seems to be development all along Colorado's front range.

Yet, military readiness at the post is not the only thing at risk. The post's fragile prairie habitat is also in danger. Fort Carson has always prided itself on its conservation of the public trust. Mountain Post has a special office just to ensure environmental compliance and protect the post's biodiversity. The mountain plover, the black-tailed prairie dog, the Arkansas River feverfew, and the Pueblo goldenweed are among the many rare species protected at Fort Carson.

Over the last 3 years Fort Carson has partnered with the Nature Conservancy on a unique plan to address the rising encroachment concerns. This forward-thinking plan calls for the purchase of conservation easements of lands south and southeast of the base for a small number of willing sellers.

If implemented, I believe the plan will preserve the military utility of key Fort Carson training areas while conserving important short grass prairie at a landscape scale, along with the ranching community that sustains it. As much as 82,000 acres of uninhibited,

precious prairie would be protected, including four globally rare plant species.

The Army fully supports this plan and has consistently described it as its number one priority under the service's Compatible Use Buffer program. This plan also enjoys widespread support from the local community, including the Colorado Springs Chamber of Commerce. The Colorado Department of Transportation, the Great Outdoors of Colorado, and the Nature Conservancy all support the plan as well.

I believe we need to act now to protect unique training facilities like those at Fort Carson before it is too late. This program makes sense for the soldiers training at Fort Carson who require an isolated environment to conduct their maneuvers. This program makes sense for the environment.

This plan makes too much sense for Congress to pass up. That is why I am introducing the Fort Carson Conservation Act. I am pleased that Congressman JOEL HEFLEY is introducing this landmark legislation in the House of Representatives today as well.

The Fort Carson Conservation Act of 2005 would require the Secretary of the Army to carry out a pilot project that creates a buffer zone out of the property bordering Fort Carson. The objective of this pilot would be to demonstrate the feasibility and effectiveness of utilizing conservation easements and leases to limit enroachment and preserve the environment.

Under the pilot project, the Secretary of the Army would enter into agreements with one or more willing sellers to purchase conservation easements. These agreements would be founded on the authority already provided in section 2684a of title 10 of the United States Code. The pilot project would expire when either the project is completed or within 5 years.

From my perspective, this pilot project is only the beginning. By working closely with the Army and the other military services, the Nature Conservancy has planted the seed for the expansion of this project. I strongly support the Conservancy's effort and believe that key military installations like Fort Bragg, Camp Lejeune, Fort Huachuca, Fort Stewart, and Eglin Air Force Base will soon be in a position to benefit from this proactive conservation effort.

Mr. President, it is a little known secret that the Department of Defense is one of the best stewards of our environment. Almost 350 endangered and threatened species live on military bases across the country—that is more than are found on land managed by the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management. In an era of rapid growth and urban development, military training areas have become, in many respects, the last refuge for many endangered species.

Creating natural buffer zones that protect fragile habitat and ensure our military readiness is a win-win proposal. It is the right thing to do for the environment. It is the right thing to do for our Nation's Armed Forces. I urge my colleagues to support the Fort Carson Conservation Act.

Thank you for the opportunity to speak on this important matter.

Mr. President, 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. 320

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 ''Fort Carson Conservation Act of 2005''.

SEC. 2. PILOT PROJECT ON COMPATIBLE USE BUFFERS ON REAL PROPERTY BORDERING FORT CARSON, COLORADO.

(a) IN GENERAL.—The Secretary of the Army shall carry out a pilot project at Fort Carson, Colorado, for purposes of evaluating the feasibility and effectiveness of utilizing conservation easements and leases granted by one or more willing sources to limit development and preserve habitat on real property in the vicinity of or ecologically related to military installations in the United States.

(b) PROCEDURES.—

(1) PHASES.—The Secretary shall carry out the pilot project in four phases, as specified in the Fort Carson Army Compatible Use Buffer Project.

(2) LEASE AND EASEMENT AGREEMENTS.—Under the pilot project, the Secretary shall enter into agreements with one or more eligible entities who are willing to do so to purchase from the entity or entities one or more conservation easements, or to lease from the entity or entities one or more conservation leases, on real property in the vicinity of or ecologically related to Fort Carson for the purposes of—

(A) limiting any development or use of the property that would be incompatible with the current and anticipated future missions of Fort Carson; or

(B) preserving habitat on the property in a manner that—

(i) is compatible with environmental requirements; and

(ii) may eliminate or reduce current or anticipated environmental restrictions that would or might otherwise restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on Fort Carson.

(3) ENCROACHMENTS AND OTHER CONSTRAINTS ON USE.—In entering into agreements under the pilot project, the Secretary may, subject to the provisions of this section, utilize the authority for agreements under this subsection to limit encroachments and other constraints on military training, testing, and operations under section 2684a of title 10, United States Code.

(4) RELATIONSHIP TO CURRENT USE PLAN.—Any agreement entered into under the pilot project shall be compatible with the Fort Carson Army Compatible Use Buffer Project.

(c) EXPIRATION.—The authority of the Secretary to enter into agreements under the pilot project shall expire on the earlier of—

(1) the date of the completion of phase IV of the Fort Carson Army Compatible Use Buffer Project; or

(2) the date that is five years after the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) The term ''Fort Carson Army Compatible Use Buffer Project'' means the Fort Carson Army Compatible Use Buffer Project, a plan to use conservation easements and leases on property in the vicinity of or ecologically related to Fort Carson to create a land buffer to accommodate current and future missions at Fort Carson while conserving sensitive natural resources.

(2) The term ''eligible entity'' means any of the following:

(A) A State or political subdivision of a State.

(B) A private entity that has as its stated principal organizational purpose or goal the conservation, restoration, or preservation of land and natural resources, or a similar purpose or goal, as determined by the Secretary.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 2006 for the Department of Defense, for expenses not otherwise provided for, for operation and maintenance for Defense-wide activities in the amount of $30,000,000, to be available for the pilot project.

(2) AVAILABILITY WITHOUT FISCAL YEAR LIMITATION.—Funds authorized to be appropriated by paragraph (1) shall be available without fiscal year limitation.

By Ms. SNOWE (for herself, Mr. KOHL, Mr. ROCKEFELLER, and Ms. LANDRIEU):

S. 321. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, and for other purposes; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today in strong support of the Child Support Distribution Act 2005, which Senator SNOWE and I introduced today. I want to thank Senator SNOWE for her hard work and dedication to this important issue and am proud to have worked with her for many years on this legislation. And I'd like to thank Senators ROCKEFELLER and LANDRIEU for their cosponsorship and support.

Senator SNOWE and I have worked, both separately and in tandem, on issues related to child support for more than ten years. On many occasions, we've come close to seeing the positive changes contained in this legislation enacted. In 2000, a House version of this bill passed by an overwhelming bipartisan vote of 405 to 18. In the 108th Congress, our legislation was included in the TANF Reauthorization bill that passed out of the Senate Finance Committee with bipartisan support. This year, S. 6, which was introduced by Senator SANTORUM, and is supported by Majority Leader FRIST and Senators MCCONNELL and HUTCHISON, contains child support provisions that are almost based entirely on the legislation we're discussing today.

This legislation consistently receives bipartisan support because it takes a common sense approach to child support. By passing through more child support funds directly to low-income families, rather than sending it to the federal government, non-custodial parents are more likely pay, and families see a huge benefit from the additional income.

Currently, approximately 60 percent of poor children who live with their mothers and whose fathers live outside the home do not receive child support. Though there are a variety of reasons why non-custodial parents may not be paying support for then children, many don't pay because the system actually discourages them from doing so.

Under current law, $2.1 billion in child support is retained every year by the State and Federal Governments as repayment for welfare benefits—rather than delivered to the children to whom it is owed. Fifty-six percent of that amount is for families who have left welfare. Since the money doesn't benefit their kids, fathers are discouraged from paying support. And mothers have no incentive to push for payment since the support doesn't go to them.

The current rules withhold a key source of income for low-income families that could help them maintain self-sufficiency. According to the Center for Law and Social Policy, child support constitutes 16 percent of family income for low-income households that receive it. For families who leave welfare, this number almost doubles. A Washington State study of families leaving welfare with regular child support payments found that these families found work faster and kept jobs longer, compared to families without steady child support income.

It's time for Congress to change this system and encourage States to distribute more child support to families. My home State of Wisconsin has been a leader in this practice, which has benefited thousands of working families. In 1997, I worked with my State to institute an innovative program of passing through child support payments directly to families. An evaluation of the Wisconsin program clearly shows that when child support payments are delivered to families, non-custodial parents are more apt to pay, and to pay more. In addition, Wisconsin has found that, overall, this policy does not increase government costs. That makes sense because ''passing through'' support payments to families means they have more of their own resources, and are less apt to depend on public help to meet other needs such as food, transportation or child care.

We now have a key opportunity to encourage all States to follow Wisconsin's example. This legislation gives States options and strong incentives to send more child support directly to families who are working their way off—or are already off—public assistance. Not only will this create the right incentives for non-custodial parents to pay, but it will also simplify the job for States, who currently face an administrative nightmare in following the complicated rules of the current system.

This legislation finally brings the Child Support Enforcement program into the post-welfare reform era, shifting its focus from recovering welfare costs to increasing child support to families so they can sustain work and maintain self-sufficiency. After all, it's only fair that if we are asking parents to move off welfare, stay off welfare, and take financial responsibility for their families, then we in Congress must make sure that child support payments actually go to the families to whom they are owed and who are working so hard to succeed.

It is time for Congress to make this change. It's time that we finally make child support meaningful for families, and make sure that children get the support they need and deserve.

Mr. JEFFORDS (for himself, Mr. LEAHY, Mrs. CLINTON, and Mr. SCHUMER):

S. 322. A bill to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. JEFFORDS. Mr. President, I am very pleased to introduce the Champlain Valley National Heritage Act of 2005. I am joined by Senator LEAHY and Senators SCHUMER and CLINTON of New York. This bill will establish a National Heritage Partnership within the Champlain Valley. Passage of this bill will culminate a process to enhance the incredible cultural resources of the Champlain Valley.

The Champlain Valley of Vermont and New York has one of the richest and most intact collections of historic resources in the United States. Fort Ticonderoga still stands where it has for centuries, at the scene of numerous battles critical to the birth of our nation. Revolutionary gunboats have recently been found fully intact on the bottom of Lake Champlain. Our cemeteries are the permanent resting place for great explorers, soldiers and sailors. The United States and Canada would not exist today but for events that occurred in this region.

We in Vermont and New York take great pride in our history. We preserve it, honor it and show it off to visitors from around the world. These visitors are also very important to our economy. Tourism is among the most important industries in this region and has much potential for growth.

The Champlain Valley Heritage Partnership will bring together more than one hundred local groups working to preserve and promote our heritage.

This project has taken many years for me to bring to the point of introducing legislation. This has been time well spent working at the grass-roots level to develop a framework to direct federal resources to where it will do the most good. I am confident that we have found the best model. This will be a true partnership that supports each member but does not impose any new federal requirements.

The Champlain Valley National Heritage Partnership will preserve our historic resources, interpret and teach about the events that shaped our nation and will be an engine for economic growth. I am hopeful that this bill, which was passed unanimously by the Senate last year, will become law during this Congress.

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. 322

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 ''Champlain Valley National Heritage Partnership Act of 2005''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the Champlain Valley, including the Richelieu River in Canada, played a unique and significant role in the establishment and development of the United States and Canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(C) the era of maritime commerce, during which canals boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(4) those unique and significant eras are best described by the theme ''The Making of Nations and Corridors of Commerce'';

(5) the artifacts and structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled ''Champlain Valley Heritage Corridor Project'', ''the Champlain Valley contains resources and represents a theme 'The Making of Nations and Corridors of Commerce', that is of outstanding importance in U.S. history''; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the State of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme ''The Making of Nations and Corridors of Commerce'' to—

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage—

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with Canada and the Province of Quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE PARTNERSHIP.—The term ''Heritage Partnership'' means the Champlain Valley National Heritage Partnership established by section 4(a).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the Lake Champlain Basin Program.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under section 4(b)(B)(i).

(4) REGION.—

(A) IN GENERAL.—The term ''region'' means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) INCLUSIONS.—The term ''region'' includes

(i) the linked navigable waterways of—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—the term ''State'' means—

(A) the State of Vermont; and

(B) the State of New York.

(7) THEME.—The term ''theme'' means the theme ''The Making of Nations and Corridors of Commerce'', as the term is used in the 1999 report of the National Park Service entitled ''Champlain Valley Heritage Corridor Project'', that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

SEC. 4. HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the regional the Champlain Valley National Heritage Partnership.

(b) MANAGEMENT ENTITY.—

(1) DUTIES.—

(A) IN GENERAL.—The management entity shall implement the Act.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership.

(ii) EXISTING PLAN.—Pending the completion and approval of the management plan, the management entity may implement the provisions of this Act based on its federally authorized plan ''Opportunities for Action, an Evolving Plan For Lake Champlain''.

(iii) CONTENTS.—The management plan shall include—

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this Act.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (I), the Secretary shall not provide any additional funding under this Act until a management plan for the Heritage Partnership is submitted to the Secretary.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under subparagraph (V)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) GENERAL.—If the Secretary disapproves a management plan under subparagraph (vi), the Secretary shall—

(aa) advise the management entity in writing of the reasons for the disapproval;

(bb) make recommendations for revisions to the management plan; and

(cc) allow the management entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (vii)(I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—

(I) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically—

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

(II) EXPENDITURE OF FUNDS.—No funds made available under this Act shall be used to implement any amendment proposed by the management entity under subparagraph (viii)(1) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this Act, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian Tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this Act.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this Act, the Secretary may provide technical and financial assistance to the management entity.

SEC. 5. EFFECT.

Nothing in this Act—

(1) grants powers of zoning or land use to the management entity;

(2) modifies, enlarges, or diminishes the authority of the Federal Government or a State or local government to manage or regulate any use of land under any law (including regulations); or

(3) obstructs or limits private business development activities or resource development activities.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act not more than a total of $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) not be less than 50 percent.

SEC. 7. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 43—DESIGNATING THE FIRST DAY OF APRIL 2005 AS ''NATIONAL ASBESTOS AWARENESS DAY''

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

S. RES. 43

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. REID. Mr. President, I am submitting a resolution today to designate April 1 of this year as ''National Asbestos Awareness Day.''

I submitted this resolution toward the end of the last Congress and the Senate did not have a chance to act on it. I submit it again today because strengthening public awareness about the danger of asbestos exposure could save thousands of lives.

Scientists have shown that inhalation of asbestos fibers can cause several serious diseases that might not show up for years after exposure. These diseases include lung cancer and asbestosis, the progressive scarring of the lungs by asbestos fibers causing respiratory distress, as well as malignant mesothelioma, a form of cancer for which asbestos exposure is the only known cause.

Over the next decade, more than 100,000 U.S. citizens will die of asbestos-related diseases. That is approximately 30 people per day—and it means one person will die in the time it takes us to act on this resolution.

Asbestos not only kills thousands of Americans every year. It also causes pain and suffering, tears families apart, and adds to the costs of our health care system.

I have been touched by the stories of Americans affected by asbestos-related diseases.

Last fall, I received a phone call from my brother, Don, who told me that a long-time family friend, Harold Hansen, had died from mesothelioma. Harold was a wonderful friend and family man. He hadn't worked directly with asbestos in his lifetime, but he had been unwittingly exposed—and that exposure took his life.

Alan Reinstein was diagnosed with mesothelioma on June 16, 2003, and soon after underwent radical surgery to remove his entire lung, pericardium, diaphragm, and other affected parts of his body. He continues to courageously fight this deadly illness, and each day he must face the fear that the cancer might return.

Despite his illness, Alan is a lucky man because he has a loving wife, Linda, and family that give him strength. Linda Reinstein couldn't sit by and watch her husband suffer, knowing that thousands of others had also been afflicted. So she founded the Asbestos Disease Awareness Organization to educate the public and the medical community about diseases caused by asbestos exposure.

I have received many letters from Nevadans who have family members with asbestos-related diseases. Eleanor Shook, from my home town of Searchlight, NV, lost her husband Chuck to mesothelioma. He had been repeatedly exposed to asbestos while at work. Two months after his diagnosis, he passed away—no cure, no treatment, no reprieve. There is a hole in that family where Chuck once stood.

I also received a letter from Jack Holmes a former school teacher from Las Vegas, who wrote: ''I am dying. I have malignant mesothelioma . . . I can expect extreme pain and suffering before I die.''

I also heard from Robert Wright of Henderson, NV, who was exposed to asbestos while serving in the United States Navy. He now suffers from asbestosis.

These are just a few of the hundreds of citizens of Nevada that are suffering with asbestos-related diseases. Every one of their stories is a tragedy and every one of them could have been prevented with greater awareness and education.

Most Americans think asbestos was banned a long time ago. Nothing could be further from the truth. New asbestos is used every day to insulate water pipes, as insulation, in making ceiling tiles and in many other building materials. When the tiny particles are released, they are invisible, and can't be smelled or tasted. Once inhaled, the particles lodge themselves in the lining of the lungs and remain there, causing irreversible damage for up to 50 years before disease sets in.

A single large dose of asbestos can fill your lungs with enough particles to cause disease. Simply walking by a construction site where asbestos particles are at a heavy concentration could be enough to give you a lethal dose.

Perhaps the most frightening thing about asbestos is that a person can be exposed without knowing it. A New York City police officer told me he worked in an undercover sting as a construction worker. The goal of the sting was to catch individuals who would improperly dispose of asbestos that had been removed from buildings. He told of catching men who tried to illegally dump asbestos in a school yard, where children would have been exposed to its dangers for years to come.

This story underscores the importance of raising public awareness about the dangers of asbestos exposure.

Better awareness and education can reduce exposure. For those who have been exposed, early detection and screening can increase treatment options and improve prognosis.

Asbestos kills—but asbestos education can save lives.

Just as victims and their families joined together to raise awareness of asbestos-related disease by forming the Asbestos Disease Awareness Organization, the Senate can increase awareness of this silent killer by declaring April 1, 2005 as Asbestos Awareness Day. I hope all senators will join me in this effort.

SENATE RESOLUTION 44—CELEBRATING BLACK HISTORY MONTH

Mr. ALEXANDER (for himself and Mr. COLEMAN) submitted the following

resolution; which was referred to the Committee on the Judiciary:

S. RES. 44

Whereas the first African Americans were brought forcibly to these shores as early as the 17th century;

Whereas African Americans were enslaved in the United States and subsequently faced the injustices of lynch mobs, segregation, and denial of basic, fundamental rights;

Whereas in spite of these injustices, African Americans have made significant contributions to the economic, educational, political, artistic, literary, scientific, and technological advancement of the United States;

Whereas in the face of these injustices Americans of all races distinguished themselves in their commitment to the ideals on which the United States was founded, and fought for the rights of African Americans;

Whereas the greatness of America is reflected in the contributions of African Americans in all walks of life throughout the history of the United States: in the writings of W.E.B. DuBois, James Baldwin, Ralph Ellison, and Alex Haley; in the music of Mahalia Jackson, Billie Holiday, and Duke Ellington; in the resolve of athletes such as Jackie Robinson and Muhammed Ali; in the vision of leaders such as Frederick Douglass, Thurgood Marshall, and Martin Luther King, Jr.; and in the bravery of those who stood on the front lines in the battle against oppression such as Harriet Tubman and Rosa Parks;

Whereas the United States of America was conceived, as stated in the Declaration of Independence, as a new nation dedicated to the proposition that ''all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness'';

Whereas the actions of Americans of all races demonstrate their commitment to that proposition: actions such as those of Allan Pinkerton, Thomas Garrett, and the Rev. John Rankin who served as conductors on the Underground Railroad; actions such as those of Harriet Beecher Stowe, who shined a light on the injustices of slavery; actions such as those of President Abraham Lincoln, who issued the Emancipation Proclamation, and Senator Lyman Trumbull, who introduced the 13th Amendment to the Constitution of the United States; actions such as those of President Lyndon B. Johnson, Chief Justice Earl Warren, Senator Mike Mansfield, and Senator Hubert Humphrey, who fought to end segregation and the denial of civil rights to African Americans; and the thousands of Americans of all races who marched side-by-side with African Americans during the civil rights movement;

Whereas since its founding the United States has been an imperfect work in progress towards these noble goals;

Whereas American History is the story of a people regularly affirming high ideals, striving to reach them but often failing, and then struggling to come to terms with the disappointment of that failure before recommitting themselves to trying again;

Whereas from the beginning of our Nation the most conspicuous and persistent failure of Americans to reach our noble goals has been the enslavement of African Americans and the resulting racism;

Whereas the crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction;

Whereas the Federal Government failed to put an end to slavery until the ratification of the 13th Amendment in 1865, repeatedly failed to enact a federal anti-lynching law, and still struggles to deal with the evils of racism; and

Whereas the fact that 61 percent of African American 4th graders read at a below basic level and only 16 percent of native born African Americans have earned a Bachelor's degree; 50 percent of all new HIV cases are reported in African Americans; and the leading cause of death for African American males ages 15 to 34 is homicide demonstrates that the United States continues to struggle to reach the high ideal of equal opportunity for all Americans: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the tragedies of slavery, lynching, segregation, and condemns them as an infringement on human liberty and equal opportunity so that they will stand forever as a reminder of what can happen when Americans fail to live up to their noble goals;

(2) honors those Americans who during the time of slavery, lynching, and segregation risked their lives in the underground railway and in other efforts to assist fugitive slaves and other African Americans who might have been targets and victims of lynch mobs and those who have stood beside African Americans in the fight for equal opportunity that continues to this day;

(3) reaffirms its commitment to the founding principles of the United States of America that ''all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness''; and

(4) commits itself to addressing those situations in which the African American community struggles with disparities in education, health care, and other areas where the Federal Government can play a role in improving conditions for all Americans.

Mr. ALEXANDER. Mr. President, this is Black History Month.

I look forward to Black History Month each year because it reminds me of my late friend, Alex Haley. Alex Haley died 13 years ago this month. I can still remember his funeral in Memphis and the big crowd there—people from all over America, leaders like Jesse Jackson. I spoke too; lots of us did.

There must have been 300 people in the room who thought they were his best friend. There were thousands of people around America and around the world who thought they were Alex Haley's best friend. He was a remarkable individual.

I remember saying that Alex Haley was God's storyteller, because he could tell a story. I remember saying, too, that I think we just used him up because he was such a generous man with his time.

After the funeral in Memphis, a procession drove to Henning, TN—not so far from Memphis—50 or 60 miles. We were there at the home where Alex Haley stayed in the summers with his grandparents.

This was a Friday. The African flute played a beautiful melody. It was cold. It was cold in February.

After the casket was laid in the grave, the stone was put there. On that stone were the words that Alex Haley lived his life by: ''Find the good and praise it.''

I remember that afternoon as if it were yesterday, even though it was 13 years ago. I remember Alex Haley as if he were perched here in this room looking us over.

I remember Alex Haley not just because of his death during Black History Month 13 years ago, but because of how he lived his life during Black History Month in the Februaries before 1992. Almost every February would find Alex Haley on an all-night red-eye flight to Tennessee from a speaking engagement in some distant place so he could drive to some small Tennessee town and fulfill a commitment he made months earlier to a 4th grade teacher to help her students celebrate Black History Month.

Teachers loved Alex Haley's visits because he had wonderful stories to tell, stories of Frederick Douglass, of Thurgood Marshall, of Martin Luther King. Of the heroes and heroines, both black and white of the underground railroad, of Jackie Robinson, Muhammad Ali, W.E.B. Dubois, James Baldwin, and Ralph Ellison.

But the most riveting of all the stories that Alex Haley told those children were the ones Alex learned sitting on the porch steps in Henning, TN, in the summertime, listening to his great-aunts and his grandmother tell stories of his ancestor Kunta Kinte. He used to say his Great-Aunt Plus, rocking on the porch, telling those stories, could knock a firefly out of the air at 15 feet with an accurate stream of tobacco juice.

Once Alex Haley rode across the Atlantic Ocean for 3 weeks in the belly of a freighter to try to imagine what it must have been like for Kunta Kinte to be captured in the Gambia, Africa, and brought to Annapolis and sold as a slave. Alex spent 13 years tracing what had happened between the arrival of Kunta Kinte, his seventh generation grandfather, and Alex's own birth.

Alex Haley discovered one important piece of that puzzle when speaking in Simpson College in Iowa in the early 1970s. He told students and faculty there that he had found the name of the man who had bought Kunta Kinte on the Annapolis dock, but Alex could not trace what had happened after that.

A faculty member arose and said, Mr. Haley, my seventh generation grandfather purchased your seventh generation grandfather. Alex stayed with that faculty member for several weeks and because of that encounter was finally able to weave together the rest of the story of the struggle for freedom which became America's best-watched television miniseries, the story of ''Roots.''

It is in the spirit of Alex Haley that I offer this resolution celebrating Black History Month. This resolution

honors the contributions of African Americans throughout the history of our country. It recommits the Senate to the goals of liberty and equal opportunity for every American. It condemns the horrors of slavery, of lynching, of segregation, and other instances in which our country has failed to measure up to its noble goals, and it pledges to work harder to improve educational, health, and job opportunities for African Americans and for all Americans.

African Americans were brought forcibly to these shores in the 17th century. From that dark beginning, however, they have overcome great obstacles and continue to do so, to take a prominent place among the many people of diverse backgrounds who have come together here to form a single nation. African Americans have made and continue to make significant contributions to the economic, educational, political, artistic, literary, scientific, and technical advancement of the United States of America.

I have repeatedly emphasized the importance of the study of American history. One of our national tragedies and embarrassments is that our twelfth graders score lower on the national assessment of educational progress on U.S. history than on any other subject. We should be ashamed of that. Senator REID, the Democratic leader, Senator KENNEDY, other Senators on this side, and I have worked together to try to change that.

This is our opportunity—in a month devoted to black history—to especially recognize the history of African Americans in this country and to recognize that it is one of the greatest examples of our national quest to reach the high ideals set for us by our Founding Fathers. The Declaration of Independence dedicated us to the proposition that ''all Men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness.''

Our history is one of striving to reach this lofty ideal. The treatment of African Americans is our most egregious failure. Slavery, lynching, and segregation are all examples of times when this Nation failed African Americans. We failed to live up to our own promise of that fundamental truth that all men are created equal.

However, for every time we have failed, we have struggled to come to terms with that disappointment and we have recommitted ourselves to try again. Where there once was slavery, we passed the thirteenth and fourteenth amendments abolishing slavery and declaring equal protection under the law for all races. Where there was segregation, came Brown v. Board of Education and the Voting Rights Act. There are so many moments like these in our history and it is these moments we also celebrate with this resolution.

In addition, I do not believe we should simply rest on the accomplishments of our past. We celebrate and remember our history so we can learn its lessons and apply them today. Today's wrongs are begging for attention. African Americans in this country face significant and often crippling disparities in education, in health care, in quality of life, and in other areas where the Federal Government can play a role. The best way for each one of us, and for the United States Senate, to commemorate Black History Month is to get to work on legislation that would offer African Americans and other Americans better access to good schools, better access to quality health care, better access to decent jobs.

There is no resolution we can pass today that will teach one more child to read, prevent one more case of AIDS, or stop one more violent crime. However, I hope by joining me and supporting this resolution, the Members of this Senate will also join me in finding ways to look to the future and continue to contribute to this work in progress that is the United States of America.

I don't know what my friend Alex Haley would say about this Senate resolution, the one I am about to introduce, or that Senate resolution. But I do know how he lived his life. I do know how he celebrated Black History Month. He told wonderful stories about African Americans and other Americans who believed in the struggle for freedom and the struggle for equality. He minced no words in describing the terrible injustices they overcame. He said to those children he had flown all night to see that they were living in a wonderful country of great goals, and while many in the past had often failed to reach those goals, that we Americans always recommit ourselves to keep trying.

So, Mr. President, today I introduce a Senate resolution celebrating Black History Month, and it is in the spirit of Alex Haley that I offer it.

SENATE RESOLUTION 45—COMMENDING THE JAMES MADISON UNIVERSITY DUKES FOOTBALL TEAM FOR WINNING THE 2004 NCAA DIVISION 1–AA NATIONAL FOOTBALL CHAMPIONSHIP

Mr. ALLEN (for himself, Mr. WARNER, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 45

Whereas the students, alumni, faculty, and supporters of James Madison University are to be congratulated for their commitment and pride in the James Madison University Dukes national champion football team;

Whereas in the National Collegiate Athletic Association championship game against the Montana Grizzlies, the Dukes drove to a 10-to-7 lead at the half on the strength of the 1-yard touchdown by seemingly indefatigable tailback Maurice Fenner and the 28-yard field goal by kicker David Rabil;

Whereas the Dukes won the 2004 NCAA Division I–AA National Football Championship with an outstanding second half performance, rushing for 257 yards and outscoring the Montana Grizzlies 21 to 14, to win the Championship by a score of 31 to 21;

Whereas the Dukes added the NCAA Division I–AA title to their share in the Atlantic Ten Conference title to claim their second championship in 2004;

Whereas every player on the Dukes football team (Nick Adams, Ryan Bache, L.C. Baker, Alvin Banks, Brandon Beach, Antoinne Bolton, D.D. Boxley, Rondell Bradley, Isai Bradshaw, Ardon Bransford, Anderson Braswell, Marvin Brown, Michael Brown, Ryan Brown, Shawn Bryant, George Burns, Robbie Catterton, Frank Cobbs, Sean Connaghan, Jamaal Crowder, Ben Crumlin, Corey Davis, John Michael Deeds, Isaiah Dottin-Carter, Harry Dunn, Sudan Ellington, Nick Englehart, Sid Evans, Maurice Fenner, Adam Ford, Casime Harris, Josh Haymore, Marcus Haywood, Tahir Hinds, Raymond Hines, Ryan Holston, Ryan Horn, David Ingraldi, Chris Iorio, Mike Jenkins, Bruce Johnson, Shelton Johnson, Akeem Jordan, Jacob Kahle, Clint Kent, Andrew Kern, Tim Kibler, Joe Kluesner, Rodney Landers, Scott Lemn, Matt LeZotte, Matt Magerko, Dexter Manley, Franklin Martin, Justin Mathias, Frank McArdle, Rodney McCarter, Craig McSherry, Andrew Michael, Bryce Miller, Leon Mizelle, Mike Mozby, William Nowell, Tom O'Connor, Will Patrick, David Rabil, Justin Rascati, Tom Ridley, Demetrius Shambley, Khary Sharpe, Andre Shuler, Bryan Smith, Leon Steinfeld, Chuck Suppon, Cortez Thompson, Nic Tolley, Trey Townsend, Brian Vaccarino, Kwynn Walton, Paul Wantuck, Mike Wilkerson, Kevin Winston, Stephen Wyatt, Kyle Zehr, and Jake Zielinski) contributed to the success of the team in this impressive championship season;

Whereas the Dukes became the first team in Division I–AA history to win the national title without playing a single playoff game at home, battling for 3 consecutive playoff road victories;

Whereas the Dukes football team Head Coach Mickey Matthews has won 40 games in his 6 years at James Madison University and has taken the Dukes to the playoffs twice in his tenure;

Whereas Coach Matthews has been named the 2004 Division I–AA National Coach of the Year by the American Football Coaches Association, for his performance in the Dukes championship season; and

Whereas Assistant Coaches Curt Newsome, Jeff Durden, George Barlow, Kyle Gillenwater, Phil Ratliff, Chip West, Ulrick Edmonds, J.C. Price, Tony Tallent, and Jim Durning deserve high recommendation for their strong leadership of, and superb coaching support to, the James Madison University Dukes football team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates James Madison University Dukes football team for winning the 2004 NCAA Division I–AA National Championship; and

(2) recognizes the achievements of all the players, coaches, and support staff of the team.

SENATE RESOLUTION 46—COMMEMORATING THE LIFE OF THE LATE ZURAB ZHVANIA, FORMER PRIME MINISTER OF THE REPUBLIC OF GEORGIA

Mr. LUGAR (for himself, Mr. BIDEN, Mr. HAGEL, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 46

Whereas on the night of February 3, 2005, the Prime Minister of the Republic of Georgia, Zurab Zhvania, died, apparently due to carbon monoxide poisoning caused by a malfunctioning heater;

Whereas the death of Prime Minister Zhvania at the age of 41 is a tragic loss for the Republic of Georgia;

Whereas Zurab Zhvania was a dedicated reformer whose visionary leadership inspired a new generation of political leaders in the Republic of Georgia;

Whereas Zurab Zhvania founded the Citizen's Union Party, which won elections in 1995, making him the Speaker of the Georgian Parliament;

Whereas under the leadership of Speaker Zhvania, the Georgian Parliament was transformed into an effective and transparent legislative institution;

Whereas in November 2001, Speaker Zhvania resigned his position in protest when government authorities attempted to suppress the leading independent television station in the Republic of Georgia;

Whereas Zurab Zhvania formed the United Democrats, a party that blossomed into one of the major forces that brought about the Rose Revolution in the Republic of Georgia in November 2003;

Whereas in the most dangerous hours of the Rose Revolution, when it appeared that armed force could be used against the peaceful protestors, Zurab Zhvania dismissed his bodyguards and led a march to Parliament accompanied only by his young children;

Whereas Zurab Zhvania was named Prime Minister of the Republic of Georgia in November 2003, and led governmental efforts to develop and implement far-reaching economic, judicial, military, and social reforms thereby turning the promise of the Rose Revolution into real results that have dramatically improved life in the Republic of Georgia;

Whereas the strong commitment of Zurab Zhvania to the peaceful restoration of the territorial integrity of Georgia was most recently displayed in the central role he played in the development of the unprecedented and generous proposal of the Republic of Georgia for resolving the status of South Ossetia peacefully and justly; and

Whereas Zurab Zhvania's vision of the historical destiny of Georgia was eloquently expressed before the Council of Europe on April 27, 1999, when he said, ''I am Georgian and therefore, I am European'':

Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest condolences to the family of Zurab Zhvania for their tragic loss of a son, husband, and father;

(2) commends the courage, energy, political imagination, and leadership of Zurab Zhvania that were so critical to the development of a democratic Republic of Georgia; and

(3) recognizes that the integration of the Republic of Georgia into Euro-Atlantic institutions will be the completion of the vision of Zurab Zhvania and his most lasting legacy.

SENATE CONCURRENT RESOLUTION 10—RAISING AWARENESS AND ENCOURAGING PREVENTION OF STALKING BY ESTABLISHING JANUARY 2006 AS ''NATIONAL STALKING AWARENESS MONTH''

Mr. DEWINE (for himself and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 10

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 26 percent of stalking victims lose time from work as a result of their victimization and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cyber-surveillance the new frontier in stalking;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking;

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution; and

Whereas Congress urges the establishment of January, 2006 as National Stalking Awareness Month: Now, therefore, be it

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

(1) it is the sense of Congress that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims; and

(2) Congress urges national and community organizations, businesses in the private sector, and the media to promote, through National Stalking Awareness Month, awareness of the crime of stalking.

Mr. DEWINE. Mr. President, I rise today to submit a resolution calling for the establishment of a National Stalking Awareness Month. Each year, approximately 1.4 million Americans—over 1 million women and about 400,000 men—are stalked. This statistic is truly staggering. Despite the prevalence of stalking and its recognition as a crime in all 50 States, this crime is often ignored.

Stalking is an issue that affects 1 in 12 women and 1 in 45 men during their lifetime. It cuts across all lines of race, age, and gender. Women and men across the United States have struggled emotionally and financially to rebuild their lives after being victimized by a stalker.

With rapidly advancing technology, I fear that stalking will become even more common and that the perpetrators will become even harder to catch. Increasingly, smaller cameras now allow perpetrators to stalk their victims from afar, often without even being detected. Video voyeurism is the next frontier in stalking and more must be done to combat this problem.

This resolution applauds the efforts of policymakers, law enforcement officers, victim service agencies, and other groups that currently promote awareness of stalking. This resolution also encourages these groups to examine new and innovative ways to promote prevention and prosecution of stalking crimes. By increasing awareness and devising practical and effective means to reduce the prevalence of this crime, we can help the police, prosecutors, and victims to confront this horrible crime.

Stalking is a tremendous problem, and it is one that we need to do more to address. A National Stalking Awareness Month would help to educate and increase awareness about stalking. I encourage my colleagues to support this resolution. We can—and we should—do more to ensure that stalkers are brought to justice and that their victims are not forced to live in fear.

SENATE CONCURRENT RESOLUTION 11—HONORING THE TUSKEGEE AIRMEN FOR THEIR BRAVERY IN FIGHTING FOR OUR FREEDOM IN WORLD WAR II, AND FOR THEIR CONTRIBUTION IN CREATING AN INTEGRATED UNITED STATES AIR FORCE

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following concurrent resolution; which was referred to the Committee on Armed Services.

S. CON. RES. 11

Whereas the United States is currently combating terrorism around the world and is highly dependent on the global reach and presence provided by the Air Force;

Whereas these operations require the highest skill and devotion to duty from all Air Force personnel involved;

Whereas the Tuskegee Airmen proved that such skill and devotion, and not skin color, are the determining factors in aviation;

Whereas the Tuskegee Airmen served honorably in the Second World War struggle against global fascism; and

Whereas the example of the Tuskegee Airmen has encouraged millions of Americans of every race to pursue careers in air and space technology; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the United States Air Force should continue to honor and learn from the example provided by the Tuskegee Airmen as it faces the challenges of the 21st century and the war on terror.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2. Mr. KENNEDY (for himself, Ms. CANTWELL, Mr. BIDEN, Mr. LEAHY, Mr. CORZINE, Mrs. MURRAY, Ms. MIKULSKI, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table.

SA 3. Mr. DURBIN proposed an amendment to the bill S. 5, supra.

TEXT OF AMENDMENTS

SA 2. Mr. KENNEDY (for himself, Ms. CANTWELL, Mr. BIDEN, Mr. LEAHY, Mr. CORZINE, Mrs. MURRAY, Ms. MIKULSKI, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike lines 3 through 7, and insert the following:

''(B) the term 'class action'—

''(i) means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action; and

''(ii) does not include—

''(I) any class action brought under a State or local civil rights law prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, disability, or other classification specified in that law; or

''(II) any class action or collective action brought to obtain relief under State or local law for failure to pay the minimum wage, overtime pay, or wages for all time worked, failure to provide rest or meal breaks, or unlawful use of child labor;

SA 3. Mr. DURBIN proposed an amendment to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

On page 20, before the semicolon at the end of line 23, insert ''or by the court sua sponte''.

On page 21, line 5, strike ''solely''.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON ENERGY

Mr. ALEXANDER. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Energy and Natural Resources' Subcommittee on Energy.

The hearing, entitled The Future of Liquefied Natural Gas: Siting and Safety, will be held on Tuesday, February 15th at 2:30 p.m. in Room SD–366.

The purpose of the hearing is to receive testimony regarding the prospects for liquefied natural gas (LNG) in the United States, Panel 1, and to discuss the safety and security issues related to LNG development, Panel 2. Witnesses will be the FERC, the Coast Guard, State authorities, and industry stakeholders. Issues that will be discussed include LNG siting process; risk assessment; and the State and local governments' role.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact: Shane Perkins at 202–224–7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 8, 2005, at 10 a.m., to conduct a hearing on ''examining the Role of Credit Rating Agencies in the Capital Markets.''

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

COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, February 8, 2005, at 2:15 p.m., to hear testimony on Revenue Proposals in the President's FY06 Budget.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, February 8, 2005, at 9:30 a.m., to conduct its organizational meeting for the 109th Congress.

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

SUBCOMMITTEE ON BIOTERRORISM AND PUBLIC HEALTH PREPAREDNESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Bioterrorism and Public Health Preparedness be authorized to hold a hearing during the session of the Senate on Tuesday, February 8, 2005, at 10 a.m. in SD–430.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Tuesday, February 8, 2005, at 10 a.m.

The purpose of the hearing is to review the implementation of Titles I through III of P.L. 106–393, the Secure Rural Schools and Community Self-Determination Act of 2000.

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

PRIVILEGE OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that a member of my staff, Megan Dredla, be given floor privileges for the duration of the debate.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Matt Drake of my staff be granted the privileges of the floor for the duration of today's session.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–83, announces the appointment of the following individuals to serve as members of the National Council of the Arts: the Senator from Ohio, Mr. DEWINE, and the Senator from Utah, Mr. BENNETT.

The Chair, pursuant to Executive Order No. 12131, reappoints the following Member to the President's Export Council: the Honorable MIKE ENZI of Wyoming.

The Chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, appoints the Senator from Mississippi, Mr. COCHRAN, to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, vice the Senator from Alaska, Mr. STEVENS.

COMMENDING THE JAMES MADISON UNIVERSITY FOOTBALL TEAM

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 45, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 45) commending the James Madison University Dukes football team for winning the 2004 NCAA Division I–AA National Football Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALLEN. Mr. President, today I congratulate the James Madison University Football team for winning the 2004 NCAA Division I–AA football championship with a 31 to 21 victory over the Montana Grizzlies. This resolution expresses congratulations of the Senate these outstanding young men.

As a former collegiate athlete and an avid football fan, I want to express the pride felt by all students, faculty and alumni of James Madison University at this tremendous accomplishment by the football team. Head Coach Mickey Matthews and his superb coaching staff: Curt Newsome, Jeff Durden, George Barlow, Kyle Gillenwater, Phil Ratliff, Chip West, Ulrick Edmonds, J.C. Price, Tony Tallent, Jim Durning, deserve much of the credit for the accomplishment of these student athletes and should also be highly commended.

The James Madison University Dukes Football team fought to a 10 to 7 halftime lead on the strength of tailback Maurice Fenner's 1-yard touchdown and kicker David Rabil's 28-yard field goal. The Dukes went on to win the game with an outstanding second half performance, rushing for 257 and outscoring the Montana Grizzlies 31 to 21.

In his distinguished career, Head Coach Mickey Matthews has won 40 games in 6 years at James Madison University and has taken the Dukes to the playoffs twice in his tenure. The American Football Coaches Association has named Coach Matthews the 2004 Division I–AA National Coach of the Year for his performance in the Dukes' championship season. Coach Matthews lead the Dukes to become the first team in Division I–AA history to win the national title without playing a single playoff game at home, battling for three consecutive playoff road victories. In addition to their 2004 national title, the team also shares the Atlantic Ten Championship title, one of the toughest Division I–AA conferences in the country.

The members of the 2004 James Madison University Football have indeed made their university proud and should be applauded for their character and leadership, both on and off the playing field. I congratulate Nick Adams, Ryan Bache, L.C. Baker, Alvin Banks, Brandon Beach, Antoinne Bolton, D.D. Boxley, Rondell Bradley, Isai Bradshaw, Ardon Bransford, Anderson Braswell, Marvin Brown, Michael Brown, Ryan Brown, Shawn Bryant, George Burns, Robbie Catterton, Frank Cobbs, Sean Connaghan, Jamaal Crowder, Ben Crumlin, Corey Davis, John Michael Deeds, Isaiah Dottin-Carter, Harry Dunn, Sudan Ellington, Nick Englehart, Sid Evans, Maurice Fenner, Adam Ford, Casime Harris, Josh Haymore, Marcus Haywood, Tahir Hinds, Raymond Hines, Ryan Holston, Ryan Horn, David Ingraldi, Chris Iorio, Mike Jenkins, Bruce Johnson, Shelton Johnson, Akeem Jordan, Jacob Kahle, Clint Kent, Andrew Kern, Tim Kibler, Joe Kluesner, Rodney Landers, Scott Lemn, Matt LeZotte, Matt Magerko, Dexter Manley, Franklin Martin, Justin Mathias, Frank McArdle, Rodney McCarter, Craig McSherry, Andrew Michael, Bryce Miller, Leon Mizelle, Mike Mozby, William Nowell, Tom O'Connor, Will Patrick, David Rabil, Justin Rascati, Tom Ridley, Demetrius Shambley, Khary Sharpe, Andre Shuler, Bryan Smith, Leon Steinfeld, Chuck Suppon, Cortez Thompson, Nic Tolley, Trey Townsend, Brian Vaccarino, Kwynn Walton, Paul Wantuck, Mike Wilkerson, Kevin Winston, Stephen Wyatt, Kyle Zehr and Jake Zielinski.

Mr. President, I hope my colleagues will join with Senator WARNER and I to pass this resolution recognizing the National Champion James Madison University Football team.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the matter be printed in the RECORD.

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

The resolution (S. Res. 45) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 45

Whereas the students, alumni, faculty, and supporters of James Madison University are to be congratulated for their commitment and pride in the James Madison University Dukes national champion football team;

Whereas in the National Collegiate Athletic Association championship game against the Montana Grizzlies, the Dukes drove to a 10-to-7 lead at the half on the strength of the 1-yard touchdown by seemingly indefatigable tailback Maurice Fenner and the 28-yard field goal by kicker David Rabil;

Whereas the Dukes won the 2004 NCAA Division I–AA National Football Championship with an outstanding second half performance, rushing for 257 yards and outscoring the Montana Grizzlies 21 to 14, to win the Championship by a score of 31 to 21;

Whereas the Dukes added the NCAA Division I–AA title to their share in the Atlantic Ten Conference title to claim their second championship in 2004;

Whereas every player on the Dukes football team (Nick Adams, Ryan Bache, L.C. Baker, Alvin Banks, Brandon Beach, Antoinne Bolton, D.D. Boxley, Rondell Bradley, Isai Bradshaw, Ardon Bransford, Anderson Braswell, Marvin Brown, Michael Brown, Ryan Brown, Shawn Bryant, George Burns, Robbie Catterton, Frank Cobbs, Sean Connaghan, Jamaal Crowder, Ben Crumlin, Corey Davis, John Michael Deeds, Isaiah Dottin-Carter, Harry Dunn, Sudan Ellington, Nick Englehart, Sid Evans, Maurice Fenner, Adam Ford, Casime Harris, Josh Haymore, Marcus Haywood, Tahir Hinds, Raymond Hines, Ryan Holston, Ryan Horn, David Ingraldi, Chris Iorio, Mike Jenkins, Bruce Johnson, Shelton Johnson, Akeem Jordan, Jacob Kahle, Clint Kent, Andrew Kern, Tim Kibler, Joe Kluesner, Rodney Landers, Scott Lemn, Matt LeZotte, Matt Magerko, Dexter Manley, Franklin Martin, Justin Mathias, Frank McArdle, Rodney McCarter, Craig McSherry, Andrew Michael, Bryce Miller, Leon Mizelle, Mike Mozby, William Nowell, Tom O'Connor, Will Patrick, David Rabil, Justin Rascati, Tom Ridley, Demetrius Shambley, Khary Sharpe, Andre Shuler, Bryan Smith, Leon Steinfeld, Chuck Suppon, Cortez Thompson, Nic Tolley, Trey Townsend, Brian Vaccarino, Kwynn Walton, Paul Wantuck, Mike Wilkerson, Kevin Winston, Stephen Wyatt, Kyle Zehr, and Jake Zielinski) contributed to the success of the team in this impressive championship season;

Whereas the Dukes became the first team in Division I–AA history to win the national title without playing a single playoff game at home, battling for 3 consecutive playoff road victories;

Whereas the Dukes football team Head Coach Mickey Matthews has won 40 games in his 6 years at James Madison University and has taken the Dukes to the playoffs twice in his tenure;

Whereas Coach Matthews has been named the 2004 Division I–AA National Coach of the Year by the American Football Coaches Association, for his performance in the Dukes championship season; and

Whereas Assistant Coaches Curt Newsome, Jeff Durden, George Barlow, Kyle Gillenwater, Phil Ratliff, Chip West, Ulrick Edmonds, J.C. Price, Tony Tallent, and Jim Durning deserve high recommendation for their strong leadership of, and superb coaching support to, the James Madison University Dukes football team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates James Madison University Dukes football team for winning the 2004 NCAA Division I–AA National Championship; and

(2) recognizes the achievements of all the players, coaches, and support staff of the team.

COMMEMORATING THE LIFE OF THE LATE ZURAB ZHVANIA OF THE REPUBLIC OF GEORGIA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 46, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 46) commemorating the life of the late Zurab Zhvania, former Prime Minister of the Republic of Georgia.

This being no objection, the Senate proceeded to consider the resolution.

Mr. LUGAR. Mr. President, today I offer a resolution commemorating the life of the late Zurab Zhvania, former Prime Minister of the Republic of Georgia.

At the request of President Bush, I was honored to lead a delegation last weekend to represent the United States at Prime Minister Zhvania's funeral. Also representing the United States was Paul Applegarth, Millennium Challenge Corporation CEO; and Lorne Craner, President of the International Republican Institute.

Prime Minister Zhvania was a prominent leader in Georgia's Rose Revolution. He was a true reformer, lauded for his intellectual acuity, and a friend of America. I was fortunate to meet with Zhvania last December. We had an extensive discussion about Georgia's promising future and vigorous agenda to transform it into a regional model of political and economic progress.

The U.S.-Georgia relationship is strong. I am grateful to Georgia's recent decision to increase its troop level in Iraq. I am also grateful for its partnership in the War on Terror, including its troop commitment in Afghanistan and to the peacekeeping mission in Kosovo. I am hopeful that our strategic relationship with Georgia will continue to grow as we face the new threats of the 21st century.

The death of Prime Minister Zhvania is a loss for Georgia, for the United States, and for the community of democratic nations. I ask my colleagues for their support of this resolution.

Mr. BROWNBACK. Mr. President, on a personal note, I knew Zurab Zhvania. I worked with him quite a bit. He was one of the original democracy advocates inside Georgia, a country that came out of the former Soviet Union, a wonderful man, with a great heart. He started out as an environmentalist. That is how he got active in the political system. He and Mr. Shevardnaze formed an alliance and moved the country toward democracy through a tumultuous time period. He was one of the lead architects of the Rose Revolution and democracy coming forward in Georgia.

I cannot let this pass without noting what an incredible loss he is to Georgia. He would have been one of at least the top one to three people who make that country move to where it is today. They are suspicious circumstances under which he died—gas inhalation in an apartment. It appears to be natural causes, but there has been a lot of difficult political activity going on in Georgia—kidnappings and deaths that have taken place. I hope that was not the case.

I have my own personal thoughts of him, and my sympathy goes out to his family—his wife and young children. He was 41 years old. He was a wonderful guy and he will be sorely missed in Georgia and around the world. I know his family will miss him dearly.

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. 46) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 46

Whereas on the night of February 3, 2005, the Prime Minister of the Republic of Georgia, Zurab Zhvania, died, apparently due to carbon monoxide poisoning caused by a malfunctioning heater;

Whereas the death of Prime Minister Zhvania at the age of 41 is a tragic loss for the Republic of Georgia;

Whereas Zurab Zhvania was a dedicated reformer whose visionary leadership inspired a new generation of political leaders in the Republic of Georgia;

Whereas Zurab Zhvania founded the Citizen's Union Party, which won elections in 1995, making him the Speaker of the Georgian Parliament;

Whereas under the leadership of Speaker Zhvania, the Georgian Parliament was transformed into an effective and transparent legislative institution;

Whereas in November 2001, Speaker Zhvania resigned his position in protest when government authorities attempted to suppress the leading independent television station in the Republic of Georgia;

Whereas Zurab Zhvania formed the United Democrats, a party that blossomed into one of the major forces that brought about the Rose Revolution in the Republic of Georgia in November 2003;

Whereas in the most dangerous hours of the Rose Revolution, when it appeared that armed force could be used against the peaceful protestors, Zurab Zhvania dismissed his bodyguards and led a march to Parliament accompanied only by his young children;

Whereas Zurab Zhvania was named Prime Minister of the Republic of Georgia in November 2003, and led governmental efforts to develop and implement far-reaching economic, judicial, military, and social reforms thereby turning the promise of the Rose Revolution into real results that have dramatically improved life in the Republic of Georgia;

Whereas the strong commitment of Zurab Zhvania to the peaceful restoration of the territorial integrity of Georgia was most recently displayed in the central role he played in the development of the unprecedented and generous proposal of the Republic of Georgia for resolving the status of South Ossetia peacefully and justly; and

Whereas Zurab Zhvania's vision of the historical destiny of Georgia was eloquently expressed before the Council of Europe on April 27, 1999, when he said, ''I am Georgian and therefore, I am European'':

Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest condolences to the family of Zurab Zhvania for their tragic loss of a son, husband, and father;

(2) commends the courage, energy, political imagination, and leadership of Zurab Zhvania that were so critical to the development of a democratic Republic of Georgia; and

(3) recognizes that the integration of the Republic of Georgia into Euro-Atlantic institutions will be the completion of the vision of Zurab Zhvania and his most lasting legacy.

ORDERS FOR WEDNESDAY, FEBRUARY 9, 2005

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, February 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 begin a period for the transaction of morning business for up to 1 hour, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the Republican leader or his designee; provided that following morning business, the Senate resume consideration of S. 5, the class action bill, and upon reporting the bill, the pending amendment be set aside and Senator PRYOR be recognized to offer an amendment.

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

PROGRAM

Mr. BROWNBACK. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the class action fairness bill. Senator PRYOR will offer an amendment on State attorneys general. We also have a Durbin amendment pending on mass actions. We hope to dispose of these amendments early tomorrow, and Members should plan accordingly. For the remainder of the day, we will continue to offer and debate amendments to the class action bill. Therefore, rollcall votes are expected throughout tomorrow's session.

Just for the knowledge of Members, I know the leader intends to move this bill forward, getting it done this week. As has been stated during the debate, it is the hope to move this forward so the House can consider it and move it on to the President in as early a fashion as possible.

This is a bipartisan bill with strong support. Not everybody agrees with it, obviously, but this is something we hope can move forward as soon as possible.

Mr. DURBIN. If the Senator from Kansas will yield, through the Chair, I would like to make a point on the RECORD that there will be other Senators offering amendments tomorrow. Senator KENNEDY is seeking that opportunity. As we understand it, we are going to Senator PRYOR by this unanimous consent agreement, and I want the RECORD to reflect other Senators on this side of the aisle will be offering amendments.

Mr. BROWNBACK. Mr. President, we have a few other items to come before the body, but we are not quite prepared to bring those forward yet. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, at this time, 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 6:32 p.m., adjourned until Wednesday, February 9, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 8, 2005:

MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL WILLIAM T. GRISOLI, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

EDGAR FULTON, JR., OF MASSACHUSETTS
GEORGE RUFFNER, OF PENNSYLVANIA
JAMES WILSON, OF PENNSYLVANIA
KAREN ZENS, OF THE DISTRICT OF COLUMBIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

NANCY CHARLES-PARKER, OF COLORADO
CATHERINE HOUGHTON, OF CALIFORNIA
GREGORY LOOSE, OF CALIFORNIA
PATRICK SANTILLO, OF MARYLAND
KAREN WARE, OF THE DISTRICT OF COLUMBIA
WILLIAM ZARIT, OF FLORIDA

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be commander

JAMES D. RATHBURN

To be lieutenant (junior grade)

ANDREW P. SEAMAN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL THOMAS A BENES, 0000
BRIGADIER GENERAL WILLIAM D CATTO, 0000
BRIGADIER GENERAL MICHAEL E ENNIS, 0000
BRIGADIER GENERAL WALTER E GASKIN, SR, 0000
BRIGADIER GENERAL TIMOTHY R LARSEN, 0000
BRIGADIER GENERAL MICHAEL R LEHNERT, 0000
BRIGADIER GENERAL DUANE D THIESSEN, 0000
BRIGADIER GENERAL GEORGE J TRAUTMAN III, 0000
BRIGADIER GENERAL WILLIE J WILLIAMS, 0000
BRIGADIER GENERAL RICHARD C ZILMER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL GEORGE J ALLEN, 0000
COLONEL RAYMOND C FOX, 0000
COLONEL ANTHONY M HASLAM, 0000
COLONEL DAVID R HEINZ, 0000
COLONEL STEVEN A HUMMER, 0000
COLONEL ANTHONY L JACKSON, 0000
COLONEL RICHARD M LAKE, 0000
COLONEL ROBERT E MILSTEAD, JR, 0000
COLONEL MICHAEL R REGNER, 0000
COLONEL DAVID G REIST, 0000
COLONEL MELVIN G SPIESE, 0000
COLONEL JOHN E WISSLER, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

BARBARA S. BLACK, 0000
VINCENT T. JONES, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be colonel

GLENN T. LUNSFORD, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552:

To be colonel

FREDERICK E. JACKSON, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552:

To be lieutenant colonel

ROBERT G. PATE, 0000
DWAYNE A. STICH, 0000

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 2114.

To be captain

KELLY E. NATION, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LOURDES J. ALMONTE, 0000
JAMES E. BILLINGS II, 0000
MARY E. BURKE, 0000
JAMES M. GERMAIN, 0000
CLAUDE W. MITCHELL, 0000
WAYNE J. OLSON, 0000
ROBERT J. WEISENBERGER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

BRIAN F. * AGEE, 0000
DALE M. * AHRENDT, 0000
CHRISTOPHER S. ALLEN, 0000
RICHARD L. * ALLEN, 0000
STEVEN L. BAYER, 0000
ROSULA A. BELL, 0000
BRADY N. * BENHAM, 0000
CATHERINE A. * BOBENRIETH, 0000
MARK E. * BOSTON, 0000
RUDY M. * BRAZA, 0000
ANTHONY J. BROTHERS, 0000
HANS C. * BRUNTMYER, 0000
DANIEL B. BRUZZINI, 0000
HEATHER L. CALLUM, 0000
CHARLES L. * CAMPBELL, 0000
SCOTT E. CAULKINS, 0000
WILLIAM D. * CLOUSE, 0000
CHRISTOPHER P. * COPPOLA, 0000
CHERYL ANN * COX, 0000
MARK C. DELEON, 0000
CARLO G. N. * DEMANDANTE, 0000
RICHARD C. * DERBY, 0000
JOHN P. * DICE, 0000
DANIEL S. DIETRICH, 0000
DANIEL R. DIRNBERGER, 0000
MARY BETH * DURBIN, 0000
KELCEY D. ELSASS, 0000
WILLIAM P. ELSASS, 0000
ANTONIO J. * EPPOLITO, 0000
BASSAM M. FAKHOURI, 0000
JAMES A. FEIG, 0000
JILL C. * FEIG, 0000
EARL E. * FERGUSON III, 0000
MELETIOS J. * FOTINOS, 0000
DENISE WRIGHT * FRANCOIS, 0000
THOMAS J. * GAL, JR., 0000
DAVID P. * GILBERT, 0000
JAMES M. * GLASS, 0000
PAUL E. * GOURLEY, 0000
GERALD A. * GRANT, 0000
NABIL M. HABIB, 0000
WILLIAM HALLIER, 0000
DAVID B. * HAMMER, 0000
CHRISTINE D. * HAMRICK, 0000
CRAIG M. HAUSER, 0000
ALISON H. * HELMKAMP, 0000
CODY L. * HENDERSON, 0000
ALDEN D. * HILTON, 0000
THOMAS S. HOFFMAN, 0000
PAT P. HOGAN, 0000
WILLIAM C. * HOOK, 0000
DREW M. * HORLBECK, 0000
BOBBY C. * HOWARD, 0000
THOMAS HUANG, 0000
RICHARD J. * HUGHES, 0000
KEITH W. * HUNSAKER, 0000
STEPHEN B. IRVIN, 0000
CHARLES E. * JOHNSON, 0000
RONALD B. * JOHNSTON, JR., 0000
KATHLEEN M. * JONES, 0000
CAROLINE H. KENNEBECK, 0000
ANDREW M. * KIM, 0000
MOLLY E. * KLEIN, 0000
LESLIE A. KNIGHT, 0000
THOMAS J. KNOLMAYER, 0000
ERIK K. KODA, 0000
CLARICE H. KONSHOK, 0000
THOMAS C. * KRIVAK, 0000
BRADLEY J. * LAWSON, 0000
BRIAN C. * LEACH, 0000
MOON H. * LEE, 0000
HENRY T. LEIS, 0000
TAMMY J. * LINDSAY, 0000
JOHN J. * LINNETT, 0000
PATRICK D. LOWRY, 0000
LOUIS * MARTINEZ, JR., 0000
RICHARD J. MAYERS, 0000
THOMAS J. * MCBRIDE, 0000
TIMOTHY A. MCGRAW, 0000
ANTHONY J. * MEYER, 0000
GARY K. * MILLER, 0000
SCOTT A. * MOORE, 0000
SEAN I. * MOORE, 0000
WILLIAM P. MUELLER, 0000
TRISTI W. * MUIR, 0000
ALAN D. * MURDOCK, 0000
MICHAEL S. * MYNES, 0000
JACOB P. * NOORDZIJ, 0000
JOSEPH D. * PENDON, 0000
RODOLFO * PEREZGALLARDO, 0000
JON PERLSTEIN, 0000
STEVEN E. * PFLANZ, 0000
NAMTRAN H. * PHAM, 0000
DAN E. * PHILLIPS, 0000
HEIDI J. * PINKERTON, 0000
BRIAN S. PINKSTON, 0000
JULIE A. * PLUMBLEY, 0000
MARK A. POSTLER, 0000
SCOTT C. PRICE, 0000
RICHARD D. QUINTANA, 0000
DAVID P. RAIKEN, 0000
MATTHEW G. * RETZLOFF, 0000
WANDA L. * SALZER, 0000
JAMES L. * SANDERSON, 0000
DAVID A. * SARNOW, 0000
MARK G. * SCHERRER, 0000
DALE M. SELBY, 0000
PAUL M. SHERMAN, 0000
DANIEL A. SHOOR, 0000
STEVEN B. SLOAN, 0000
BARRY C. * SMITH, 0000
SCOTT M. STALLINGS, 0000
DAVID C. * STREITMAN, 0000
ERIKA J. STRUBLE, 0000
DONOVAN N. TAPPER, 0000
JON C. * TAYLOR, 0000
EDWARD B. * TIENG, 0000
CHRISTOPHER M. UNTCH, 0000
STEVEN G. * VENTICINQUE, 0000
LYNDA K. * VU, 0000
KELLY N. * WEST, 0000
JOHANN S. WESTPHALL, 0000
BRADFORD * WILLIAMS, 0000
ANITA JO ANNE * WINKLER, 0000
TIMOTHY F. * WITHAM, 0000
KIMBERLEY A. * WOLOSHIN, 0000
RAWSON L. WOOD, 0000
LUN S. YAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

MICHELLE D. * ALLENMCCOY, 0000
CHARLES P. D. * AYOTTE, 0000
NORA A. * BARBER, 0000
DAVID P. * BENNETT, 0000
LEE RAY AW * BENNETT, 0000
MICHAEL A. * BLACKBURN, 0000
CHRISTOPHER A. * BROWN, 0000
THOMAS P. * BUCCI, 0000
AIMEE M. * CANNON, 0000
CHAD C. * CARTER, 0000
MICHAEL JOHN * COCO, 0000
W. SHANE * COHEN, 0000
PAUL R. * CONNOLLY, 0000
RATNA M. * CONTRACTOR, 0000
SETH * COWELL, 0000
PAUL E. * CRONIN, 0000
BRYAN B. * DAVIS, 0000
THOMAS H. * DOBBS, 0000
BRADLEY E. * EAYRS, 0000
JOEL F. ENGLAND, 0000
EDWARD S. * FABI, 0000
JIN HWA LEE * FRAZIER, 0000
JOSEPH B. * FREEDLE, 0000
TODD A. * FROMMEYER, 0000

GAVIN S. * GILMOUR, 0000
PAULA M. * GRANT, 0000
MICHAEL K. * GREENE, 0000
JULIE C. GRIFFITHS, 0000
BRENT C. * HARVEY, 0000
KENNETH L. * HOBBS, 0000
JOHN J. * HOPKINS III, 0000
MICHAEL D. * HUGHES, 0000
BRADFORD S. * HUNT, 0000
JENNIFER C. * HYZER, 0000
NATHAN W. * KEARNS, 0000
GEORGE J. * KONOVAL, 0000
CHRISTINE A. * LAMONT, 0000
DANIEL D. * LEE, 0000
REBECCA MINA * LEE, 0000
PAUL M. * MARAIAN, 0000
JAMES J. MARSH, 0000
TERRENCE J. * MCCOLLOM, 0000
JEFFREY A. * MIDDLETON, 0000
JULIO A. * OCAMPO, 0000
JOHN N. * PAGE III, 0000
JEFFREY G. * PALOMINO, 0000
TODD W. * PENNINGTON, 0000
PATRICK J. * PFALTZGRAFF, 0000
JULIE L. * PITVOREC, 0000
JULIE L. * RUTHERFORD, 0000
MICHAEL W. * SAFKO, 0000
CHRISTOPHER TAYLOR * SMITH, 0000
ROMY D. * SMITH, 0000
SKY W. * SMITH, 0000
RONALD L. * SPENCER, JR., 0000
STERLING R. * THOMAS, 0000
MARVIN WARREN * TUBBS II, 0000
DAVID E. * VERCELLONE, 0000
STACEY J. * VETTER, 0000
JUDITH A. * WALKER, 0000
MARK S. * WATT, 0000
MITZI O. * WEEMS, 0000
ERIN BREE * WIRTANEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

ARLENE D. * ADAMS, 0000
JEFFREY K. * ATKISSON, 0000
RENE G. * BOISSIERE, 0000
JASON E. * BUCKNER, 0000
FRANK M. * CAPOCCIA, JR., 0000
BOBBY L. * CHRISTOPHER, 0000
JAMES E. * COMBS, 0000
JOHN M. * CROWE, 0000
SARAH E. * CUCITI, 0000
LEE M. * ERICKSON, 0000
MARSHALL A. ERICKSON, 0000
ROBERT A. * FAILE III, 0000
WILLIAM J. * FECKE, 0000
CHRISTOPHER P. FILER, 0000
RICHARD A. * FRENCH, 0000
MICKEY T. * GOODRIDGE, 0000
LAILLAH M. * GUICE, 0000
TROY A. * HADDOW, 0000
MICHAEL D. * HALL, 0000
JOHN P. * HANNIGAN, 0000
MATTHEW G. * HARTMANN, 0000
STEVEN R. * HOWELL, 0000
CURTIS B. HUDSON, 0000
PAGERINE L. * JACKSON, 0000
FREDDIE E. * JENKINS, 0000
ANDREW M. * KACZMAREK, 0000
CRAIG A. * KEYES, 0000
MARK R. * LAMEY, 0000
ZOYA L. * LEEZERKEL, 0000
WILLIAM P. MALLOY, 0000
JOHN F. XI * MCDONALD, 0000
JAMES M. * MCLAIN, 0000
ELIZABETH P. * MILLER, 0000
TODD L. * OSGOOD, 0000
JOHANNA M. * PAYNE, 0000
EILEEN J. PERRY, 0000
MICHAEL J. * ROBERTS, 0000
GIGI A. SIMKO, 0000
JAMES S. * SMITH, 0000
VERNON * SWINTON, 0000
CARMIA A. * SYKES, 0000
WAH WAI * SZE, 0000
KARI A. * TURKALBARRETT, 0000
CHARLES J. * TWEDT, 0000
JANET K. * URBANSKI, 0000
JEFFREY ROBERT * VANSLYKE, 0000
WILFRED A. * VARNO, 0000
ANDREA C. VINYARD, 0000
MICHAEL A. * WHITAKER, 0000
TERRY W. * WILLIAMSON, 0000
ROGER L. * WILLIS, JR., 0000
BRENDA J. * WILSON, 0000
ELEYCE L. * WINN, 0000
ROBERT G. * YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JAMES R. ABBOTT, 0000
KIMBERLY A. ABERNETHY, 0000
GRETCHEN M. ADAMS, 0000
JOSEPH T. ADINARO, 0000
JENNIFER L. ADKINS, 0000
AMANDA E. ALFORD, 0000
COREY L. ANDERSON, 0000
EDWARD R. ANDERSON III, 0000
ERIC R. ANDERSON, 0000
ALAN J. ANTHONY, 0000
JASON G. ARNOLD, 0000
MEHDI AZADI, 0000
KRIS K. BAIK, 0000
SYNYA K. BALANON, 0000
CLAY M. BALDWIN, 0000
ANTHONY S. BANKES, 0000
JUSTIN T. BARRATT, 0000
JOSEPH R. BEARD IV, 0000
SHERYL M. BEARD, 0000
JASON S. BELL, 0000
THOMAS W. BENDER III, 0000
ALEC BENINGFIELD, 0000
NICHOLAS H. BIRD, 0000
BRIAN J. BIXLER, 0000
BRANDON R. BLACK, 0000
WESS J. BLACKWELL, 0000
BRYSON D. BORG, 0000
ALEX P. BORMANN, 0000
PAUL L. BRAITHWAITE, JR., 0000
PATRICK S. BRANNAN, 0000
MATTHEW A. BRIDGES, 0000
WILLIAM A. BRIGHT, 0000
JYOJI T. BRISTOL, 0000
LISA D. BROSTROM, 0000
JOHN S. BRUUN, 0000
FRANCIS P. BUCKLEY III, 0000
ANN M. BUELL, 0000
PHIET T. BUI, 0000
JAMES M. BYRNE, 0000
MONIQUE J. CARROLL, 0000
HEATHER R. CASSELL, 0000
ROSALIE A. CASTILLO, 0000
RENEE LI CEVEY, 0000
JANE W. CHAN, 0000
STEPHEN R. CHEN, 0000
KEVIN CHOU, 0000
COLLEEN M. CHRISTENSEN, 0000
DANIEL C. CHURCH, 0000
EMILY C. CHURCH, 0000
GALEN H. CHURCH, 0000
CHRIS L. CLEVELAND, 0000
ALLISON A. COGAR, 0000
MICHELLE R. COLEN, 0000
JOSEPH K. COLL, 0000
ROBERTO J. COLON, 0000
JOHNATHAN C. CONNER, 0000
CHRISTOPHER A. COOP, 0000
TIMOTHY K. CRAGUN, 0000
JAMES A. CRIDER, 0000
MICHAEL R. CRONE, 0000
ELVIN J. CRUZZENO, 0000
DEAN J. CUTILLAR, 0000
KAREN I. DACEY, 0000
WILLIAM J. DAHMS, JR., 0000
LYNNELL M. DANIEL, 0000
LAURIE C. DAVIGNON, 0000
RICHARD T. DAVIS, 0000
RONALD S. DAY, 0000
JAMES S. DEAN, 0000
ALPA S. DESAI, 0000
PAUL BARTOLOMEO DIDOMENICO, 0000
SHANE D. DIECKMAN, 0000
JEFFREY J. DIETRICH, 0000
ANDREW B. DILL, 0000
LORI R. DISEATI, 0000
GLENN DONNELLY, 0000
YASHIKA T. DOOLEY, 0000
MICHAEL E. DOWLER, 0000
CHRISTOPHER D. DREW, 0000
CLARENCE M. DUNAGAN IV, 0000
ROBERT D. EDWARDS, 0000
DANIELLE A. EIGNER, 0000
JAMISON W. ELDER, 0000
DANIEL J. ELDREDGE, 0000
PATRICK M. ELLISON, 0000
ROBERT L. ELWOOD, 0000
BRIAN A. ERICKSON, 0000
ISAAC J. FAIBISOFF, 0000
BRIAN M. FAUX, 0000
SUSAN P. FEDERINKO, 0000
BRIDGET K. FIECHTNER, 0000
LISA B. FIRESTONE, 0000
COREY D. FOGLEMAN, 0000
GARY A. FOSKEY, JR., 0000
MONCARME ALPHONSE FOUCHE, 0000
CHRISTOPHER J. B. FRANDRUP, 0000
MARY PAT FRIEDLANDER, 0000
PAUL W. FRUTOS, 0000
JAMES S. GAGEN, 0000
KATHRYN D. GAINES, 0000
SAMUEL M. GALVAGNO, 0000
RICHARD J. GERBER, 0000
RUTH A. GERMAN, 0000
JON S. GILBERT, 0000
GILSON R. GIROTTO, 0000
JEANNETTE E. GONZALEZ, 0000
MICHAEL G. GONZALEZ, 0000
MICHAEL C. GOODHOPE, 0000
WADE T. GORDON, 0000
SPENCER C. GREENE, 0000
CHARLES E. GREESON, 0000
ERICA J. GRIFFIN, 0000
COLLEEN M. GROSS, 0000
DANIEL D. GRUBER, 0000
CHRISTOPHER M. GRUSSENDORF, 0000
PAUL W. GRUTTER, 0000
ABEL T. GUERRA, 0000
ERIC J. HANLY, 0000
DAVID A. HARDY, 0000
AARON C. HARJU, 0000
SHELLY S. HARKINS, 0000
JOHN D. HARRAH, 0000
CINDY LOU HARRIS, 0000
COREY D. HARRISON, 0000
AARON N. HARTMAN, 0000
BRIAN G. HAWKINS, 0000
BRET D. HEEREMA, 0000
ERIC D. HERMES, 0000
JOSHUA M. HIXSON, 0000
RANDALL D. HOFBAUER, 0000
MICHAEL B. HOGAN, 0000
ALLEN D. HOLDER, 0000
LANCE D. HOLTRY, 0000
BRANDON R. HORNE, 0000
ANDREW L. P. HOUSEMAN, 0000
MICHAEL A. HOVEY, 0000
ALLYSON S. HOWE, 0000
TODD M. HRABAK, 0000
PATRICK U. HSIEH, 0000
SOLON G. HUGHES, 0000
CHRISTINA M. HUMBERD, 0000
DUSTIN G. HUNTZINGER, 0000
BANG H. HUYNH, 0000
KELLY P. HYDE, 0000
WALTER N. INGRAM, 0000
RAJIV C. IYER, 0000
SHAHZAD KERMANI JAHROMI, 0000
SCOTT A. JANUS, 0000
ARUN G. JAYAKUMAR, 0000
KIRK E. JENSEN, 0000
ROBERT A. JESINGER, 0000
AMY BENTLEY JOHNSON, 0000
MICHEAL B. JOHNSON, 0000
STACIE L. JOHNSON, 0000
THOMAS L. JOHNSON II, 0000
TODD M. JOHNSON, 0000
ANTHONY S. JORDAN, 0000
KAUSTUBH G. JOSHI, 0000
KATHLEEN M. JOYCE, 0000
HOLLIS M. JULSON, 0000
AMANDA L. KAMPERT, 0000
PHYLLIS J. KAPELLEN, 0000
MARK A. KARCUTSKIE, 0000
MATTHEW C. KATUS, 0000
THOMAS C. KELLEY, 0000
CHRISTOPHER R. KIELING, 0000
ALEXANDER P. S. KIM, 0000
KRISTOPHER D. KNOOP, 0000
MARIA R. J. KOSTUR, 0000
STEVEN A. KOZIOL, 0000
GERALD G. LACHANCE, 0000
DYJERLYNN C. LAMPLEY, 0000
GREGORY D. LANGAS, 0000
STEVEN P. LARSON, 0000
KERRY P. LATHAM, 0000
COLLEEN S. LAUGHLIN, 0000
ERNEST H. LAWHORN, 0000
DOUGLAS A. LEACH, 0000
ALARIC C. LEBARON, 0000
DANETTE SUMLIE LEBARON, 0000
CHRISTOPHER S. LEE, 0000
DOUGLAS V. LEMONS, 0000
KARYN C. LEWIS, 0000
PAUL E. LEWIS III, 0000
JEFFREY M. LODERMEIER, 0000
ERIN J. LONGLEY, 0000
MONICA M. LOVASZ, 0000
BRIT M. LOVVORN, 0000
RONNIE M. LU, 0000
MICHAEL W. LUOMA, 0000
JUSTIN Q. LY, 0000
ANDREW B. MACKERSIE, 0000
DEBORAH L. MACKERSIE, 0000
ANDREW I. MACKINNON, 0000
DANIEL S. MADSEN, 0000
DAVID B. MARTIN, 0000
COREY P. MASSEY, 0000
TERENCE R. MCALLISTER, 0000
THOMAS M. MCANDREW, 0000
MICHAEL J. MCBETH, 0000
CATHY L. MCELVEEN, 0000
KIMBERLY R. MCILNAY, 0000
DONALD J. MCKEEL, 0000
OLIVER L. MCPHERSON, 0000
PAMELA J. MCSHANE, 0000
JETT J. MERCER, 0000
PETER G. MICHAELSON, 0000
JASON C. MILLER, 0000
LISA A. MILLS, 0000
KENNETH D. MINKS, 0000
DARIUS F. MITCHELL III, 0000
KRISTINA D. MONEY, 0000
MICHELLE M. MOON, 0000
ALI D. MORRELLBALANON, 0000
LEROY MORRISSETTE, 0000
JENNIFER MUHLY, 0000
JASON L. MUSSER, 0000
CHRISTOPHER J. NAGY, 0000
SCOTT E. NEUMANN, 0000
PAMELA PHUONG K. NGUYEN, 0000
BRETT JASON NILE, 0000
STEVEN J. NORDEEN, 0000
TIMOTHY J. NORTON, 0000
SUE ANN NOVAK, 0000
MARK A. OATMAN, 0000
DAVID J. OBERSTE, 0000
SEAN P. OBRIEN, 0000
WILLIAM T. OBRIEN, 0000
JACOB B. OLDHAM, 0000

ROBERT P. OLSON, 0000
MARIBEL B. ORANTEMAGILOG, 0000
DAVID J. ORRINGER, 0000
VICTOR L. ORTIZORTIZ, 0000
KYLE T. OSBORN, 0000
GREG M. OSGOOD, 0000
HEATHER K. OTOOLE, 0000
KATHERINE E. PAGANO, 0000
NICOLE A. PALEKAR, 0000
JENNIFER L. PALTZER, 0000
LOUIS J. PAPA, 0000
AMY L. PARKER, 0000
RAYMOND A. PENSY, 0000
HEATHER A. PETERSON, 0000
YOLANTA V. PETROFSKY, 0000
PATRICK T. PETTENGILL, 0000
NGHIA T. PHAN, 0000
KULLADA O. PICHAKRON, 0000
TARA N. PIECH, 0000
NATHAN E. PIOVESAN, 0000
CATHERINE R. S. PLATT, 0000
DANIEL J. PODBERESKY, 0000
MICHELLE L. POHLAND, 0000
HENRY L. POLK, 0000
JAMES R. POLLOCK, 0000
BRENT A. PONCE, 0000
ROBERT R. PORCHIA, 0000
STEPHANIE A. PORTER, 0000
ERIC G. POTWARDOWSKI, 0000
CHARLA M. QUAYLE, 0000
HAR P. RAI, 0000
ALEXIES RAMIREZ, 0000
CHRISTOPHER B. RANNEY, 0000
JEFFREY MICHAEL RENGEL, 0000
CHRISTOPHER O. RESTAD, 0000
JOHN F. RIANS, 0000
DAVID H. RICE, 0000
MICHAEL D. RICE, 0000
KEYAN D. RILEY, 0000
ERIC M. RITTER, 0000
PATRICK M. ROHAL, 0000
REX T. RUSSELL, 0000
TRACY L. RUSSELL, 0000
COURTNEY K. RYAN, 0000
JOSHUA J. SACHA, 0000
FRANK M. SAMARIN, 0000
ROBERT SARLAY, JR., 0000
SIRIKANYA SASTRI, 0000
CHRIS A. SCHEINER, 0000
HERBERT P. SCHERL, 0000
DOUGLAS G. SCOTT II, 0000
RICHARD J. SERKOWSKI, 0000
CECILI K. SESSIONS, 0000
BRIAN A. SHANER, 0000
FAREED A. SHEIKH, 0000
JEHANZEB A. SHEIKH, 0000
LUCAS M. SHELDON, 0000
MIKE S. SHIN, 0000
DARREN L. SHIRLEY, 0000
TAD M. SHIRLEY, 0000
LUKE B. SIMONET, 0000
KSHAMATA SKEETE, 0000
WILLIAM K. SKINNER, 0000
JOSEPH C. SKY, 0000
MARK A. SLABAUGH, 0000
NICOLE A. SMAIL, 0000
JOZEF L. SMIT, 0000
MICHAEL J. SMITH, 0000
TODD W. SMITH, 0000
JEFFREY A. SODERGREN, 0000
JASON A. STAMM, 0000
THOMAS W. STAMP, 0000
ADAM M. STARR, 0000
ELIZABETH STERNBERG PEREZ, 0000
MICHELLE STRAKA, 0000
DARYN R. STRALEY, 0000
AMY D. STRASSBURG, 0000
ADRIAN K. STULL, 0000
CATHLEEN C. SUTO, 0000
JEANINE Y. SWAN, 0000
KEITH A. SWARTZ, 0000
EVAN C. SWAYZE, 0000
DEBIE S. TANUS, 0000
CHAD I. TARTER, 0000
HAMID R. TAVAKOLI, 0000
CHRISTINE E. THOLEN, 0000
ADRIANNE THOMPSON, 0000
RICHARD D. THRASHER III, 0000
CHARLES S. TIMNAK, 0000
RODNEY E. TODD, 0000
THOMAS J. TOFFOLI, 0000
JOSEPH A. TRACHIER, 0000
ALEXANDER C. TSANG, 0000
PETER G. TUCKER, 0000
DMITRY TUDER, 0000
BRYAN J. UNSELL, 0000
ANTONIO VAZQUEZ, 0000
JOHN P. VICKERYANTONIO, 0000
JONATHAN L. VINSON, 0000
MEGUMI M. VOGT, 0000
PENNY J. VROMAN, 0000
CHAD E. WAGONER, 0000
DAVID J. WALICK, 0000
DERRICK K. WALKER, 0000
CHRISTOPHER L. WATHIER, 0000
ERIK K. WEITZEL, 0000
MICHAEL J. WELSH, 0000
JEFFREY B. WHITING, 0000
DARREN E. WHITTEMORE, 0000
VANESSA K. WILLIAMS, 0000
ANDREW L. WINGE, 0000
CHAD A. WINTERS, 0000
GRAND F. WONG, 0000
SHERALYN D. WOOD, 0000
ROBERT B. WOOLLEY, 0000
MICHELLE M. WUESTE, 0000
ROBBY W. WYATT, 0000
XIAOHUI XIONG, 0000
ASSY YACOUB, 0000
ERIC S. YAO, 0000
JASON A. YELK, 0000
MICHAEL W. YERKEY, 0000
EDWARD K. YI, 0000
JEREMIE J. YOUNG, 0000
ANTHONY I. ZARKA, 0000
AN ZHU, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

JOSEPH B. ANDERSON, 0000
BRANTLY W. BAYNES, 0000
WILLIAM * BENINATI, 0000
EUGENE V. BONVENTRE, 0000
SIDNEY B. BREVARD, 0000
RUDOLPH CACHUELA, 0000
MATTHEW T. CARPENTER, 0000
TIMOTHY D. CASSIDY, 0000
JOSEPH P. CHOZINSKI, 0000
JOHN R. CHU, 0000
PAULA A. CORRIGAN, 0000
HAROLD D. DILLON III, 0000
THOMAS A. ERCHINGER, 0000
JAMES A. FIKE, 0000
JOHN R. FISCHER, 0000
JEFFERSON H. HARMAN, JR., 0000
BRIAN P. HAYES, 0000
PAUL A. * HEMMER, 0000
STEVEN M. HETRICK, 0000
LEWIS A. HOFMANN, 0000
LESTER A. HUFF, 0000
DONALD H. JENKINS, 0000
GREGORY W. JOHNSON, 0000
STEVEN T. LAMB, 0000
KERRY K. * LARSON, 0000
LINDA L. LAWRENCE, 0000
NICHOLAS G. LEZAMA, 0000
MARK E. MAVITY, 0000
KENNETH N. * OLIVIER, 0000
KERRY B. PATTERSON, 0000
RONALD D. POOLE, 0000
WAYNE M. PRITT, 0000
JAMES M. QUINN, 0000
JOEL L. RAUTIOLA, 0000
MARK W. * RICHARDSON, 0000
RAYMOND A. * SCHWAB III, 0000
DANIEL B. SMITH, 0000
MICHAEL R. SNEDECOR, 0000
DAVID G. SORGE, 0000
TAMA R. VANDECAR, 0000
LANE L. * WALL, 0000
SCOTT A. WEGNER, 0000
MARK E. WERNER, 0000
JOE B. WISEMAN, 0000
KONDI WONG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

JEFFERY F. BAKER, 0000
STEVEN L. BARTEL, 0000
RICHARD M. BEDINGHAUS, 0000
PAUL E. BROWN, 0000
DAVID B. CHIESA, 0000
KENNETH A. CONNER, 0000
RICKY D. COOK, 0000
DANIEL C. HAMAN, 0000
CONSTANCE A. HUFF, 0000
JEFFREY P. JESSUP, 0000
MICHAEL J. KUCSERA, 0000
RUSSELL M. LINMAN, 0000
CURTIS M. MARSH, 0000
BRENT S. MCCLENNY, 0000
JOHN P. MCPHILLIPS, 0000
KARL L. MEYER, 0000
SUSAN W. MONGEAU, 0000
PAUL J. NAWIESNIAK, 0000
KYLE C. NUNLEY, 0000
JAMES E. * SCHREINER, 0000
MARK A. SLABBEKOORN, 0000
DAVID L. WELLS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

COREY R. ANDERSON, 0000
UZMA S. ANSARI, 0000
GWENNA N. BATES, 0000
JOANN BOA, 0000
RICHARD A. BUCK, 0000
MAURICIO C. CAROTA, 0000
MICHAEL J. CHUNG, 0000
BRYAN S. DEBOWSKY, 0000
SCOTT L. DOYLE, 0000
JAMES B. DUNCAN, 0000
HUYEN CHAU DUNN, 0000
CORBET K. ELLISON, 0000
BRENDAN T. FARRELL, 0000
ROBERT C. GAY, 0000
SAMANTHA R. HAAS, 0000
SAMUEL L. HAYES, 0000
MARK W. HENDERSON, 0000
JOE W. HOWARD, 0000
DWIGHT L. JOHNSON, 0000
DAVID M. JONES, 0000
EUNKOO KIM, 0000
JONATHAN D. KING, 0000
DAVID E. KLINGMAN, 0000
ELIZABETH N. KUTNER, 0000
ROY E. LEE, 0000
JERRY L. LEONARD, 0000
WEN LIEN, 0000
TRENT W. LISTELLO, 0000
KATHERINE R. MORGANTI, 0000
JAMIE J. MORRIS, 0000
KYLE E. PELKEY, 0000
BRIAN W. PENTON, 0000
TERESA E. REEVES, 0000
SONG B. RHIM, 0000
CLAYTON L. RICKS, 0000
STEVEN F. ROBERTSON, JR., 0000
JOZEF SOLTIS, 0000
ROBERT E. STOVER, 0000
CHARLES H. STUART, 0000
JOHN A. THOMAS, 0000
JUSTINE R. TOMPKINS, 0000
JOHN R. VANCE, 0000
GISELLA Y. VELEZ, 0000
SON X. VU, 0000
ETHAN J. YOZA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

JANICE M. * ALLISON, 0000
CRAIG L. * FOLSOM, 0000
VILLA L. * GUILLORY, 0000
JOHN W. * KERSEY, JR., 0000
SCOTT C. * MALTHANER, 0000
ROBERT A. * NIDEA, 0000
ENDER S. * OZGUL, 0000
TRENT L. * PAYNE, 0000
THADDEUS H. * PHILLIPS III, 0000
LAWRENCE E. * ROTH, 0000
DONALD * SHEETS, JR., 0000
CHARLES A. * STOCK, 0000
BRADLEY M. * TURNER, 0000
DONALD * TYLER, JR., 0000
MATTHEW A. * WELCH, 0000
DANNY K. * WONG, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

JAN E. ALDYKIEWICZ, 0000
TANIA M. ANTONE, 0000
EUGENE E. BAIME, 0000
PAUL N. BRANDAU, 0000
MARK A. BRIDGES, 0000
KIRSTEN V. BRUNSON, 0000
LARRY C. BURNER II, 0000
LORIANNE M. CAMPANELLA, 0000
JOHN B. CLARKSON, 0000
IAN G. COREY, 0000
DAVID T. CRAWFORD, 0000
BRENDAN M. DONAHOE, 0000
CHRISTINA E. EKMAN, 0000
MARY M. FOREMAN, 0000
ANDREW J. GLASS, 0000
ELIZABETH A. GOSSART, 0000
CARISSA D. GREGG, 0000
MARK W. HOLZER, 0000
JOHN A. HUGHEY, 0000
RAYMOND A. JACKSON, 0000
PHILIP W. JUSSEL, 0000
ERIC S. KRAUSS, 0000
JAMES M. LANGHAM, 0000
EDWARD K. LAWSON IV, 0000
JAMES A. LEWIS, 0000
PATRICIA H. LEWIS, 0000
FRANK A. MARCH, 0000
WILLIAM R. MARTIN, 0000
SHANNON M. MORNINGSTAR, 0000
KEITH E. PULS, 0000
SCOTT E. REID, 0000
ROBERT F. RESNICK, 0000
CARRIE F. RICCISMITH, 0000
MICHAEL P. RYAN, 0000
SAMUEL A. SCHUBERT, 0000
SCOTT D. SCHULER, 0000
GEORGE R. SMAWLEY, 0000
EVAN M. STONE, 0000
MARK H. SYDENHAM, 0000
WALTER L. TRIERWEILER, 0000
BRADLEY J. UPTON, 0000
CHRISTOPHER B. VALENTINO, 0000
BRADLEY E. VANDERAU, 0000
DAVID D. VELLONEY, 0000
JEFFREY T. WALKER, 0000

LOUIS P. YOB, 0000
ROBERT A. YOH, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JORGE E. CRISTOBAL, 0000
DONALD Q. FINCHAM, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RONALD C. CONSTANCE, 0000
JOEL F. JONES, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DANIEL J. PETERLICK, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

FREDERICK D. HYDEN, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KATHY L. VELEZ, 0000

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 5596 AND 6222:

To be major

JOHN R. BARCLAY, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MATTHEW J. CAFFREY, 0000
EDWARD M. MUDD, 0000
KENNETH N. STEINKE, 0000
WILLIAM R. TIFFANY, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JEFF R. BAILEY, 0000
TIMOTHY M. COOLEY, 0000
JOHN D. ESTEP, 0000
DEAN R. KECK, 0000
JULIO R. PIRIR, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JACOB D. LEIGHTY III, 0000
JOHN G. OLIVER, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEVEN M. DOTSON, 0000
KURT J. HASTINGS, 0000
MARIA L. MARTINEZ, 0000
CALVIN W. SMITH, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

WILLIAM H. BARLOW, 0000
GUY E. COOLEY, 0000
CHARLES A. GRAYBEAL, 0000
RODNEY E. JORDAN, 0000
BYRON KING, 0000
PETER W. MCDANIEL, 0000
RONALD D. MCFAUL, 0000
DANNY R. MORALES, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANDREW E. GEPP, 0000
WILLIAM B. SMITH, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

WILLIAM A. BURWELL, 0000
CRANE P. DAUKSYS, 0000
LAFE B. ELLIOTT, 0000
BARRY ONEAL, 0000
WILLIAM J. WADLEY, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KENRICK G. FOWLER, 0000
KEVIN T. GRAESSLE, 0000
LAYNE T. PAGE, 0000
LOWELL W. SCHWEICKART, JR., 0000
STEVEN E. SPROUT, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JAMES P. MILLER, JR., 0000
MARC TARTER, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID G. BOONE, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL A. LUJAN, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL A. MINK, 0000
LOUANN RICKLEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL S. DRIGGERS, 0000
DANIEL M. NEWELL, 0000
ERIC F. PETERSON, 0000
PAUL E. PRATT, 0000
ROBERT R. SOMMERS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ELOISE M. FULLER, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOHN T. CURRAN, 0000
THOMAS J. JOHNSON, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DANNY A. HURD, 0000
GEORGE C. MCLAIN, 0000

HOUSE OF REPRESENTATIVES—Tuesday, February 8, 2005

The House met at 2 p.m.

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

Lord God, strong to save, on Super Bowl Sunday as Americans settled in to watch the annual spectacle of a football game, the face of the Nation was mirrored on our television screens and projected across the world just as it began.

Was America the Beautiful ever rendered more beautiful than when a host of blind students was witnessed singing and signing for a deaf world?

Our national anthem followed, sung by a combined choir formed of the various branches of America's military forces held in high-range restraint. Here, Lord, was vulnerability and strength. Here honesty, bravery, and grace were brought together in harmony. Justice and mercy embraced before the silent millions and You, our God, were glorified in our humanity.

May the strains of America's moving song penetrate this Chamber, guide this session of Congress, and bring into focus the voice of the future and invite the participation of all in the work of democracy. For You are our hope and salvation, now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS 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.

BORDER SECURITY IS HOMELAND SECURITY

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

Mr. DELAY. Mr. Speaker, border security is homeland security. It is odd we even need reminding about that fact especially after 9/11. But just as homeland security is national security, so border security is homeland security. It is really simple, Mr. Speaker. There are violent men who wish to commit atrocities against innocent Americans; and most of them, not all, but most of them come from outside the United States. The 19 men who hijacked commercial passenger planes on September 11, 2001, to fly them into American buildings to perpetrate mass murder exploited our porous borders and ultimately succeeded in their mission of evil.

Since that time, we have made numerous reforms to numerous programs and agencies and systems to prevent such exploitation and such treachery from ever again bloodying our soil.

But, Mr. Speaker, the job is not done. The job is not near done. The holes that remain in our border security systems are not small; they are gaping. And they are glaring to our terrorist enemies. They are coming for us, Mr. Speaker, and politics will not stop them. What will?

Last year, Congress asked the bipartisan 9/11 Commission that very question, and here is what they said in their report: ''The Federal Government,'' the report reads, on page 390, ''should set standards for the issuances of birth certificates and sources of identification such as driver's licenses.''

Fraud in identification documents is no longer just a problem of theft. The Federal Government should restrict terrorists' freedom of movement because without it, we learn on page 65, ''terrorists cannot plan, conduct surveillance, hold meetings, train for their mission, or execute an attack.

''Today more than 9 million people are in the United States outside the legal immigration system,'' we read on page 390.

''Once in the United States,'' the commission says on page 49, ''terrorists tried to get legal immigration status that would permit them to stay here, primarily by committing serial, or repeated, immigration fraud by claiming political asylum. Immigration cases against suspected terrorists are often mired for years in bureaucratic struggles over alien rights and the adequacy of evidence.

''There is also evidence,'' we learn on page 64, ''that terrorists used human smugglers to sneak across borders.''

In other words, Mr. Speaker, there are gaping holes in our border security system that, 3 years after 9/11, still remain untouched by any reform. This week, the House will finally consider the kind of reforms our border security system desperately needs, reforms called for in the 9/11 Commission's report, reforms American families demand and deserve.

Border security is homeland security, and this week we will begin the process of saying so in the law.

VETERANS AFFAIRS BUDGET

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

Ms. SOLIS. Mr. Speaker, today I rise concerning the budget cuts President Bush has proposed on the Department of Veterans Affairs. It is nothing more than a smoke screen to make the overall budget numbers look better while veterans are going to have to shoulder most of those costs. The budget makes veterans pay $250 to enroll in health services and doubles their copayments for prescription drugs, changes which will affect more than 2 million veterans. It makes veterans wait longer for claims to be processed, delaying very vital medical services. It provides a dismal 1.7 percent increase in funding, far from the 14 percent the Veterans Affairs Department really needs to sustain its current services.

President Bush's budget also forgets about the new veterans serving abroad. Over 1,400 have been killed, 11,000 injured, and 10 in my district alone have been killed. These military families are struggling right now. They lack mental health care and other needed services such as bilingual services. They also lack burial funds. Let us keep our commitment and not cut back the budget.

NEVER GIVE UP

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

Mr. COBLE. Mr. Speaker, last week in Ashland, Virginia, Randolph Macon College hosted Guilford College for a collegiate basketball game. With the game tied in overtime and six-tenths of a second remaining, a Randolph Macon player was awarded two free throws. He converted his first one and intentionally missed the second, concluding that time did not permit Guilford to make a play.

Normally, that would have been sound strategy, but Guilford's Jordan Snipes grabbed the rebound and desperately heaved the ball the length of

the court. Nothing but net and Guilford won on the shot seen around the world.

The moral of the story: whether in athletics or in life, even with the odds overwhelmingly stacked against you, do not quit. Do not give up, there is always a chance, even though remote, to prevail.

2006 BUDGET IS FISCALLY RESPONSIBLE

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

Ms. FOXX. Mr. Speaker, I commend President Bush for proposing a fiscally responsible budget that will rein in Federal spending and protect our top priorities, such as national defense, homeland security, and job creation.

While we may have some differences of opinion on a few of the details, I believe the President's budget is a good first step in the right direction. I am encouraged that he wants to hold Federal programs to a firm test of accountability and eliminate programs that no longer serve their intended purpose or perform a vital function. This action alone will save over $20 billion in 2006.

The President's proposed budget will also save an additional $137 billion in spending during the next 10 years. I look forward to working with the President and Congress to craft a budget that will cut our Federal budget in half by 2009 and improve our economy.

PELL GRANTS

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

Mr. KELLER. Mr. Speaker, I rise today to speak in favor of a part of President Bush's budget that receives no fanfare or publicity, and that is Pell grants.

Pell grants are dollars we give to children from low- and moderate-income families to help them go to college. I personally would not have been able to go to college without Pell grants, and I serve as chairman of the Congressional Pell Grant Caucus.

When I was elected to Congress in 2000, I made increasing Pell grant funding my top priority, and with this budget, President Bush has done his part, too.

Looking at this chart, let us compare the funding situation in 2000 to the new budget proposal. Overall funding has increased 137 percent. Maximum Pell grant awards are up from $3,300 to $4,150, and an additional 1.6 million students are now able to go to college.

Mr. Speaker, Pell grants are truly the passport out of poverty for so many worthy young people, and I urge my colleagues to vote ''yes'' on this budget.

HELPING THE IRAQI PEOPLE

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

Mr. WILSON of South Carolina. Mr. Speaker, tomorrow the International Relations Subcommittee on Oversight and Investigation is scheduled to review the Volcker Interim Report on the United Nations Oil-For-Food Program. I would like to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. ROHRABACHER), the subcommittee chairman, for their leadership on this important issue.

While the United States prides itself as being ''the premier vehicle for furthering development in poorer countries,'' its Oil-For-Food Program allegedly furthered Saddam Hussein's dictatorship over the Iraqi people. During my travels to Iraq, I have seen the numerous palaces of Saddam Hussein and the devastation his rule left on the people of Iraq.

I am outraged to think a U.N.-sponsored program designed to help the Iraqi people was so easily corrupted and manipulated to serve the dictatorship's interests. The diverted funds should be recovered for the people of Iraq.

I strongly support the legislation offered by the gentleman from Arizona (Mr. FLAKE) entitled United Nations Oil-for-Food Accountability Act. This legislation would require the United States to withhold a portion of its U.N. contributions until the U.N. fully cooperates with the Oil-for-Food investigation. American taxpayer dollars should not support programs or people who obstruct our efforts to promote democracy and spread freedom throughout the world.

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. STEARNS) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2005.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 7, 2005 at 1 p.m. and said to contain a message from the President whereby he transits the Budget of the United States Government for Fiscal Year 2006 (copy enclosed).

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

Attachment.

FISCAL YEAR 2006 BUDGET OF THE UNITED STATES GOVERNMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–2)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Appropriations and ordered printed:

THE BUDGET MESSAGE OF THE PRESIDENT

Over the previous four years, we have acted to restore economic growth, win the War on Terror, protect the homeland, improve our schools, rally the armies of compassion, and promote ownership. The 2006 Budget will help America continue to meet these goals. In order to sustain our economic expansion, we must continue pro-growth policies and enforce even greater spending restraint across the Federal Government. By holding Federal programs to a firm test of accountability and focusing our resources on top priorities, we are taking the steps necessary to achieve our deficit reduction goals.

Our Nation's most critical challenge since September 11, 2001, has been to protect the American people by fighting and winning the War on Terror. Overseas and at home, our troops and homeland security officials are receiving the funding needed to protect our homeland, bring terrorists to justice, eliminate terrorist safe havens and training camps, and shut down their financing.

In Afghanistan and Iraq, we are helping establish democratic institutions. Together with our coalition partners, we are helping the Afghan and Iraqi people build schools, establish the rule of law, create functioning economies, and protect basic human rights. And while the work is dangerous and difficult, America's efforts are helping promote societies that will serve as beacons of freedom in the Middle East. Free nations are peaceful nations and are far less likely to produce the kind of terrorism that reached our shores just over three years ago.

To ensure our security at home, the 2006 Budget increases funding for anti-terrorism investigations; border security; airport and seaport security; nuclear and radiological detection systems and countermeasures; and improved security for our food supply and drinking water.

This Budget also promotes economic growth and opportunity. We must ensure that America remains the best place in the world to do business by keeping taxes low, promoting new

trade agreements with other nations, and protecting American businesses from litigation abuse and overregulation. To make sure the entrepreneurial spirit remains strong, the Budget includes important initiatives to help American businesses and families cope with the rising cost of health care. This Budget funds important reforms in our schools, and promotes homeownership in our communities. In addition, the 2006 Budget supports the development of technology and innovation throughout our economy.

The 2006 Budget also affirms the values of our caring society. It promotes programs that are effectively providing assistance to the most vulnerable among us. We are launching innovative programs such as Cover the Kids, which will expand health insurance coverage for needy children. We are funding global initiatives with unprecedented resources to fight the HIV/AIDS pandemic, respond to natural disasters, and provide humanitarian relief to those in need. The 2006 Budget continues to support domestic programs and policies that fight drug addiction and homelessness and promote strong families and lives of independence. And in all our efforts, we will continue to build working relationships with community organizations, including faith-based organizations, which are doing so much to bring hope to Americans.

In every program, and in every agency, we are measuring success not by good intentions, or by dollars spent, but rather by results achieved. This Budget takes a hard look at programs that have not succeeded or shown progress despite multiple opportunities to do so. My Administration is pressing for reforms so that every program will achieve its intended results. And where circumstances warrant, the 2006 Budget recommends significant spending reductions or outright elimination of programs that are falling short.

This Budget builds on the spending restraint we have achieved, and will improve the process by which the Congress and the Administration work together to produce a budget that remains within sensible spending limits. In every year of my Administration, we have brought down the growth in non-security related discretionary spending. This year, I propose to go further and reduce this category of spending by about one percent, and to hold the growth in overall discretionary spending including defense and homeland security spending, to less than the rate of inflation. I look forward to working closely with the Congress to achieve these reductions and reforms. By doing so, we will remain on track to meet our goal to cut the deficit in half by 2009.

Our greatest fiscal challenges are created by the long-term unfunded promises of our entitlement programs. I will be working with the Congress to develop a Social Security reform plan that strengthens Social Security for future generations, protects the benefits of today's retirees and near-retirees, and provides ownership, choice, and the opportunity for today's young workers to build a nest egg for their retirement.

In the past four years, America has faced many challenges, both overseas and at home. We have overcome these challenges not simply with our financial resources, but with the qualities that have always made America great: creativity, resolve, and a caring spirit. America has vast resources, but no resource is as abundant as the strength of the American people. It is this strength that will help us to continue to prosper and meet any challenge that lies before us.

GEORGE W. BUSH,
February 7, 2005.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SUPPORTING NATIONAL MENTORING MONTH

Mr. OSBORNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 46) supporting the goals and ideals of National Mentoring Month.

The Clerk read as follows:

H. RES. 46

Whereas mentors serve as role models, advocates, friends, and advisors to youth in need;

Whereas mentoring is a proven, effective strategy that matches a caring, responsible adult with a child to provide guidance and build confidence, stability, and direction for that child;

Whereas research has shown that mentoring has a definitive impact on young people by increasing attendance at school, improving rates of high-school graduation and college attendance, and decreasing involvement with drugs, alcohol, and violent behaviors;

Whereas there are over 17.6 million children in this country who need or want a mentor, yet just 2.5 million young people are in mentoring relationships, leaving a ''mentoring gap'' of 15.1 million young people;

Whereas the establishment of a National Mentoring Month would emphasize the importance of mentoring and recognize with praise and gratitude the many Americans already involved in mentoring;

Whereas a month-long celebration of mentoring would encourage more organizations—such as schools, businesses, faith communities—and individuals to get involved in mentoring; and

Whereas the celebration of said month would, above all, encourage more individuals to volunteer as mentors, helping close our Nation's mentoring gap: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Mentoring Month;

(2) praises the millions of caring adults who have already committed their time and energy to mentor a child; and

(3) supports efforts to recruit more mentors in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. OSBORNE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE).

GENERAL LEAVE

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 46.

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

There was no objection.

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

Mr. Speaker, the recent elections that we had here in the United States indicate that many people were concerned about ''values'' in this kind of a loose term, and it seems like much of this concern is directed at a perceived erosion of our culture. A good amount of the data that we have uncovered would indicate that this concern certainly has merit.

For example, nearly one half of our young people are growing up without both biological parents today. So roughly one-half of our young people have experienced some significant trauma in their lives because losing a biological parent is difficult for anyone.

More than 20 million children are fatherless in our country, and usually when they have no father, whether they are a young man or woman, they try to fill this void with activities which ofttimes are harmful, maybe gangs, drugs, promiscuity, whatever.

A significant number of our children are involved in alcohol and drug abuse. Roughly 3 million young people in their teenage years currently are addicted to alcohol. That is 3 million. And hundreds of thousands, of course, are addicted to other substance abuse.

Promiscuity, teen pregnancy, and sexually transmitted diseases have become a major problem. The out-of-wedlock birthrate has increased from 5 percent in 1960 to 33 percent today. I observed a great deal of this growing dysfunction during my 36 years as a coach where I worked with young people, and I guess it is my premise that this unraveling of the culture may pose a greater long-term threat to our Nation than terrorism.

That sounds like an overblown statement, but I believe it to be true because if we think about some of the great nations of the world throughout history, whether it be Rome, the British Empire, the Soviet Union, many of those great empires simply disappeared without a shot being fired.

So what can we do? We certainly cannot legislate strong families, but we can promote mentoring. Mentoring works. Research shows many of the following to be true: Number one, mentoring improves academic performance. Children in good mentoring relationships have better attendance in school. The mentoring program that I am involved with personally has shown an 80 percent decrease in absenteeism from school, better graduation rates, fewer disciplinary referrals. Again, the mentoring program that I am involved with has shown a 70 percent reduction in referrals for discipline. Better grades, 40 percent better grades.

Secondly, mentoring reduces high-risk behavior, reduces smoking, drug and alcohol abuse, in some cases by as much as 50 percent. Promiscuous behavior is reduced, and violent and criminal behavior also begin to be diminished.

Mentoring enhances a number of social factors. It improves self-esteem. Relationships with peers and parents improve. Personal hygiene also is improved.

So a mentor is, I guess, three things to me: Number one, a mentor is someone who cares. I talked to a mentor not long ago who showed up in school and was going to mentor this young guy, and he came to class and there was one student sitting there, his mentee, and the teacher. And he asked the young guy what was going on, and he said there was a field trip that day and they were going to a bowling alley and this young guy stayed because he knew his mentor was coming, and that mentor was probably the only adult in his life who really connected with him and cared about him. So a mentor is someone who cares.

Secondly, a mentor is someone who affirms. And I noticed that it was so important in coaching if one told a player that they believed in him, if they affirmed his behavior, they said they thought he had a future, ofttimes he would grow into that which he did not even know himself that he could become. So affirmation is something that nobody can live without for any length of time.

And then, thirdly, mentoring provides a vision. So many young people have never seen an adult in their family who gets up and goes to work every day, or maybe someone in their family who keeps their word and has a good work ethic. So a role model, a vision, is important.

Roughly 17 million children in the United States at the present time either need or want a mentor. We have roughly 2.5 million mentors that are provided. So we are about 15 million short. So we spend billions of dollars on prisons and drugs and alcohol abuse. Roughly $50 billion a year is spent on underage drinking and its dysfunction. We spend money on foster care and crime, but little on prevention. Usually about 2 to 3 percent of the State and Federal budget is spent on prevention such as mentoring.

Mentoring works. There is a great mentoring program here in the House called Horton's Kids. Four members of my staff are mentors, and we appreciate that very much.

So I urge support of H. Res. 46, which recognizes and encourages mentoring.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Nebraska for his leadership in bringing this resolution, recognizing National Mentoring Month, to the floor today; and also want to commend the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER of California), ranking member, for their leadership roles in making this legislation possible to be heard.

Since coming to Congress, the gentleman from Nebraska has worked to make youth issues a national priority, and this resolution is another example of his dedication to this effort.

Without a doubt, Mr. Speaker, mentoring is a proven strategy that can change the lives of children and youth, and I might add, add value to the lives of those who provide the mentoring service.

When a young person is matched with a caring, responsible individual, this relationship often makes a positive difference in the quality of life for that young person. For too long we have focused on providing remedies to problems that only address negative behavior, rather than looking at ways to promote the positive and healthy development of our young people. This resolution directs us to focus on what children need in order to grow into healthy, safe, and well-educated adults, making sure that children have access to a caring and responsible adult relationship.

□ 1430

A recent report from the Greater West Town Community Development Project showed that nearly 18 percent of Chicago public school students drop out. Another report from the Annie E. Casey Foundation showed that more than 200 Chicago-area children are living in severely distressed neighborhoods. These are among the tens of thousands of Chicago area youth who could dramatically benefit from having a mentor, since without one, some would never be exposed to healthy, productive lifestyles and the development of real-life skills. Research shows that young people who are mentored had a stronger attachment to school, have higher graduation rates, and decreased involvement with drugs and violence.

Mentoring opens young people's eyes to a brighter future, and every young person deserves that opportunity. But right now there are simply not enough mentors to go around. Only about 1,000 of the more than 1 million school-age children in the Chicago area are fortunate enough to have a mentor. A mentor, of course, is an adult, who along with parents, provides young people with support counsel, friendship, and a constructive example. The average mentor spends 8 to 10 hours a month with his or her mentee on activities such as doing homework, going to the library, playing in the park, and playing sports.

This resolution brings much-needed attention to the value of mentoring and encourages communities to focus their efforts on recruiting more mentors so that we can fill the gap that currently exists. I am proud of the many mentoring programs that are already in place in the Chicagoland area, such as Mercy Home's Friends First Program and Sinai Mentoring Program, which links Mount Sinai Hospital professionals with youth from North and South Lawndale High Schools.

I also congratulate Big Brothers and Big Sisters of Metropolitan Chicago, which is spearheading a number of local events to mark National Mentoring Month. It has partnered with organizations, including Boys and Girls Clubs of Chicago, Chicago Public Schools, Community Resource Network, Cook County Juvenile Court Mentoring Network, Horizons For Youth, the Jewish Children's Bureau, Lifelink Latino Special Services Program, Mercy Home For Boys and Girls, and Uhlich Children's Advantage Network and Working in Schools.

I also want to commend the Chicago public school system, the board of education, for the development of a program called Cradle to the Classroom, where they had mentors who worked individually with young parents and students who had become pregnant and who had children and yet have been able to finish their high school education and graduate with the help of a mentor.

In Chicago and across the country, it is clear that the framework is in place. Now we just need more people to volunteer their time and help change the life of a child.

I am very pleased to be associated with many groups and organizations like the Alpha Phi Alpha fraternity, which has a great national mentoring program, and especially my local chapter, Mu Mu Lambda. I am also pleased

to be associated with the 100 Black Men of America, who have mentoring programs and chapters throughout the Nation.

Mr. Speaker, once again I want to commend the gentleman from Nebraska for his insight, dedication, and continuous work with the development of the young people, as expressed in this resolution. I urge strong support for it.

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

Mr. OSBORNE. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for his kind words.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, a strong supporter of mentoring.

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

Mr. Speaker, I rise today in support of House Resolution 46, which celebrates mentors who are positively impacting the lives of young people and highlights the need for additional mentors that we need around the country.

I want to thank my colleague, the gentleman from Nebraska (Mr. OSBORNE), who never lets a day go by without pushing this project of his to increase the number of mentors that we have around the country. He has clearly been the leader in the House on this issue, and without his efforts we would not have this resolution on the floor today, nor would the Federal Government be nearly as involved in mentoring as it is.

We all know that mentors give their time and energy to improve the lives of American young people, and they are doing it in many different ways. I am involved in a group here in Washington called Everybody Wins that is a reading mentoring program that many staffers here on the Hill participate in, and, frankly, a number of Members participate in. While I help them with their organizational efforts, I have often felt somewhat guilty that I did not take the time every week to go over to Tyler Elementary School and actually sit down and read, as many of my staff have over the years.

In Ohio, we have a reading program sponsored by Governor Taft called Ohio Reads, and it has involved tens of thousands of adults around the State going into schools and helping children better learn to read and providing a positive role model for those children.

I want to just take a moment to thank all of those who are mentoring around the country today and encourage others to take a more active role. The gentleman from Nebraska (Mr. OSBORNE) and the gentleman from Illinois (Mr. DAVIS) pointed out the effects of mentoring, the less likelihood of the use of alcohol and the less likelihood of violent behavior. We know that far too many young people in today's society are growing up without adult role models close to them in their lives. Here is something where mentors can help fill that gap and help improve the lives and the outcomes for many children around our country.

Mr. Speaker, I want to applaud these efforts today and applaud my colleagues for bringing this resolution to the floor. I urge Americans who want to take a more active role in their community to think about mentoring.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Minnesota (Ms. MCCOLLUM), my colleague on the Committee on Education and the Workforce.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, as one of the co-chairs of the Mentoring Caucus, I rise today in support of House Resolution 46, to express the sense of Congress and the House of Representatives regarding the many benefits of mentoring.

Mentoring programs, as we are talking about them here today, link children with caring, responsible adults to provide opportunities for young people to develop strong character and new capabilities. Mentoring opportunities are a proven method, as has been pointed out, to help children who may be struggling in school or at home or just in life. We need to take advantage of mentoring opportunities to allow every child to become self-sufficient, have better self-esteem, and feel that they too can achieve the American Dream.

In my own State of Minnesota, there are over 350 mentoring programs. They connect youth with positive role models. In Minnesota, in the St. Paul-Minneapolis area, we have Big Brothers and Big Sisters. In that two-city area alone, 2,000 children benefit from mentoring programs; and in 2005, Big Brothers and Big Sisters in St. Paul-Minneapolis hope to reach 5,000 children.

There is a St. Paul police officer, and she in her spare time mentors youth. She does so because she has the help of a local church in which to meet. I cannot tell you how proud I am when I go to graduation day and each and every one of those children receives a certificate, but she always remembers to give a certificate to the adults who mentor.

Mentors make a difference, for a mentor can be a friend, a listener, a coach, a tutor, or just a confidante. A mentor is simply a person who cares enough to be a good listener at times and to offer the opportunity to open new doors and new worlds by offering encouragement and support along the way.

I encourage all of my colleagues to support this resolution, and I look for opportunities for Members to be mentors themselves. As the gentleman from Nebraska (Mr. OSBORNE) pointed out, many of our staff are mentors. J.D. Burton, who recently left my staff, was a mentor for Thorton's Kids. He tutored for 3 years, and we worked at times our schedule around his mentoring schedule. I have many others in my office who are also mentors, and each and every one of them says that they get more out of the opportunity of mentoring than they could ever imagine.

I would also like to thank the sponsor of this bill, the gentleman from Nebraska (Mr. OSBORNE), for, you see, his family comes from a mentoring background. His cousin, the Honorable Kathleen Vellenga, took time to be a mentor of mine when I was in the Minnesota House of Representatives mentoring. You never know where it might lead you.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from California (Mrs. DAVIS), a member of the Committee on Education and the Workforce, and I also say a member of the Davis Caucus.

Mrs. DAVIS of California. Mr. Speaker, I am honored to join my colleague, the gentleman from Nebraska (Mr. OSBORNE), and others once again to cosponsor this resolution supporting National Mentoring Month.

We share the experience and appreciate the value of spending time as an adult to mentor young people. It was my pleasure as the executive director of the Aaron Price Fellows Program in San Diego to organize civic experiences for a diverse group of young people and students with the potential to become strong leaders.

The students that I had an opportunity to mentor learned about their local government. I took them to Sacramento to meet State government leaders, and brought them at that time to see D.C. and to see Congress in action. So you can imagine that it was one of my great pleasures now as a Member of Congress to welcome this group of students here every year as they encounter our national issues.

I will never forget one of these very special young people. Her name is Arzo Mansury. She is an Afghan-American girl who, after graduation from UCSD, chose to work settling refugees from her birth country. She was really uniquely prepared to work with the Afghanistan embassy in the post-war reconstruction of her country. I have spoken to her on many occasions, and she believes that there is no way she could have done this without the kind of preparation, without the kind of mentoring that she received in this program.

A delegation from the San Diego YMCA's Youth and Family Services Program came to my office today, and they described their new program called Y Friends. It is a mentoring program for children whose parents are in

prison, children who are seven to eight times more likely to be incarcerated themselves. One young woman who has been through the Y's Transitional Living Skills Program is now a resident in Turning Point. This is a housing and counseling program for youth who have spent years in foster homes, but have passed the age of 18. Victoria, who had been in foster homes since she was 10, said, ''The key to a successful life for me is mentorship.''

Finally, I want to mention that I have been privileged to meet with military spouses who have formed a mentoring program for other spouses who are dealing with the now frequent and lengthy deployment of their loved ones, and that program is making a great deal of difference for them.

Mr. Speaker, I would ask Members to please join us in honoring the goals of these mentoring programs.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply would want to thank all of those who have spoken on behalf of this resolution. Again, I commend the gentleman from Nebraska (Mr. OSBORNE) for his leadership, and would urge all adults who want to be helpful to become mentors.

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

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

Mr. Speaker, I would like to express my thanks to the gentleman from Illinois (Mr. DAVIS) and also the gentlewoman from California (Mrs. DAVIS) for their kind words and their support of this resolution.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to express my support for H. Res. 46, supporting the goals and ideals of National Mentoring Month.

All children have the potential to succeed in life and contribute to society. However, not all children get the support they need to thrive. Mentoring is the presence of caring individuals who, along with parents or guardians, provide young people with support, advice, friendship, reinforcement and constructive examples. Mentoring can and does help young people succeed, no matter what their circumstances!

A mentor is a caring adult friend who devotes time to a young person. Mentors can fill any number of different roles. Yet all mentors have one thing in common: they care about helping young people achieve their potential and discover their strengths.

Mentors understand they are not meant to replace the role of a parent, guardian or teacher. A mentor is not a disciplinarian or decision maker for a child. Instead, a mentor echoes the positive values and cultural heritage parents and guardians are teaching. A mentor is part of a team of caring adults.

A mentor's main purpose is to help a young person define and achieve their own goals. And those goals will vary, depending on the young person's age. Since the expectations of each child will vary, it is the mentor's job to encourage the development of a flexible relationship that responds to the mentor's skills and interests and the young person's needs.

Recent Research Brief published by Child Trends and titled, ''Mentoring: A Promising Strategy for Youth Development,'' found that youth who participate in mentoring relationships experience a number of positive benefits. In terms of educational achievement, mentored youth have better attendance; a better chance of going on to higher education; and better attitudes towards school. In terms of health and safety, mentoring appears to help prevent substance abuse and reduce some negative youth behaviors. On the social and emotional development front, taking part in mentoring promotes positive social attitudes and relationships. Mentored youth tend to trust their parents more and communicate better with them. They also feel they get more emotional support from their friends than do youth who are not mentored.

Mr. Speaker, I rise to reiterate my support for H. Res. 46. By sharing fun activities and exposing a youth to new experiences, a mentor encourages positive choices, promotes high self-esteem, supports academic achievement and introduces the child to new ideas.

Mr. SCHIFF. Mr. Speaker, I rise today in support of H. Res. 46, a resolution recognizing National Mentoring Month.

Across this country, millions of needy children wait patiently for mentors who will spend time with them, guide them and open the doors of opportunity for them.

Last week I rose on this Floor to speak of a resolution I introduced with my colleague—Congressman TOM OSBORNE from Nebraska—recognizing Big Brothers Big Sisters, our nation's most prominent mentoring organization. I spoke of my experiences as a Big Brother and the rewards that it has brought to me. Almost two decades after accepting the responsibility of being a Big Brother to another, I can tell you that it continues to be one of the most meaningful experiences of my life.

Eighteen years ago, I walked into the Big Brothers of Greater Los Angeles and I was matched with a young man, then 7 years old, named David. We started out going to the beach, the movies, roller skating and going to the park, or reading or talking with each other. He would criticize my taste in music, and I would tolerate his. We would spend time just catching up on each other's lives; and we became in a very short space of time, true brothers to each other. Now for almost two decades we have shared in each other's successes and failures and trials and tribulations. We have become family.

I cannot speak from the point of view of a mentee, but I can speak from the point of view of a mentor about how it has enriched my life. I encourage all Americans to pursue mentoring opportunities in their communities. Few things you will ever do will mean so much to another and to yourself.

David would have done well under any circumstance; but there are many, many young people who really need the benefit of a mentor, need the benefit of someone in their lives to help them gain direction, gain a sense of self-worth and a sense of purpose.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, as one of the co-chairs of the Mentoring Caucus, I rise today in support of House Resolution 46, to express the sense of Congress and the House of Representatives regarding the many benefits of mentoring.

Mentoring programs, as we are talking about them here today, link children with caring, responsible adults to provide opportunities for young people to develop strong character and new capabilities. Mentoring opportunities are a proven method, as has been pointed out, to help children who may be struggling in school or at home or just in life. We need to take advantage of mentoring opportunities to allow every child to become self-sufficient, have better self-esteem, and feel that they too can achieve the American Dream.

In my own state of Minnesota, there are over 350 mentoring programs that connect youth with positive role models. One valuable mentoring program is Big Brothers Big Sisters. In the St. Paul/Minneapolis region alone, more than 2,000 children benefit from this mentoring program. In 2005, they hope to reach 5,000 children.

Sergeant Mamie Singleton, of the St. Paul Police Department and founder of Youth Initiative Mentoring Academies, is one example of many in Minnesota who in her spare time mentors youth. Youth Initiative Mentoring Academies is a non-profit organization for at-risk youth that utilizes a mentoring model through aviation education. I cannot tell you how proud I am when I go to their gradation day and each and every one of those children receives a certificate for their aviation education and for their civic education projects. It is a special time for the mentors as well, as they witness their generous gifts of time and hard work payoff for these children.

Mentors make a difference, for a mentor can be a friend, a listener, a coach, a tutor, or just a confidante. A mentor is simply a person who cares enough to be a good listener at times and to offer the opportunity to open new doors and new worlds by offering encouragement and support along the way.

I encourage all of my colleagues to support this resolution, and to look for opportunities for Members to be mentors themselves. As the gentleman from Nebraska (Mr. OSBORNE) pointed out, many of our staff are mentors. J.D. Burton, who recently left my staff, was a mentor for Horton's Kids. He tutored for 3 years, and, at times, we worked our schedule around his mentoring schedule. I have many others in my office who are also mentors, and each and every one of them says that they get more out of the opportunity of mentoring than they could ever imagine.

I would also like to thank the sponsor of this bill, the gentleman from Nebraska (Mr. OSBORNE), for, you see, his family comes from a mentoring background. His cousin, the Honorable Kathleen Vellenga, took time to be a mentor of mine when I was in the Minnesota House of Representatives. Mentoring—you never know where it might lead you.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the resolution, H. Res. 46.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1445

JOHN MILTON BRYAN SIMPSON UNITED STATES COURTHOUSE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 315) to designate the United States Courthouse at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse''.

The Clerk read as follows:

H.R. 315

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

SECTION 1. DESIGNATION.

The United States courthouse at 300 North Hogan Street, Jacksonville, Florida, shall be known and designated as the ''John Milton Bryan Simpson United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''John Milton Bryan Simpson United States Courthouse''.

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentlewoman from Florida (Ms. CORRINE BROWN of Florida) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Speaker, H.R. 315, introduced by my colleague, the gentlewoman from Florida (Ms. CORRINE BROWN), will designate the United States courthouse located at 300 North Hogan Street in Jacksonville as the ''John Milton Bryan Simpson United States Courthouse.''

Born in Kissimmee, Florida, John Simpson progressed through what would be called by any reasonable person a long, distinguished, and publicly oriented career. After receiving his law degree from the University of Florida, and 7 years of private practice, John Simpson would begin what would result in a career in public service spanning 54 years. He began as an Assistant State's Attorney, served 2 years in the United States Army during World War II, and was a State judge for 9 years before being nominated to the Federal bench in 1950.

On the Federal bench, Judge Simpson was not content to just serve out his time. He served as Chief Judge for three different courts, the Southern and Middle District Courts of Florida, and the Fifth Circuit Court of Appeals. He served on the Conference of Chief Judges for 3 years and was willingly reassigned twice, first from the Southern to Middle District Courts of Florida, and again from the Fifth to Eleventh Circuit Court of Appeals, each time to fit the needs of the judiciary.

During his tenure on the bench, he was also instrumental in moving towards desegregation in Northern Florida during the late 1950s and early 1960s. His record of service and dedication to the judiciary are both commendable and make him worthy of this honor.

I support the legislation, and I encourage all of my colleagues to do the same.

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

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. CRENSHAW), the Florida delegation, the Committee on Transportation and Infrastructure, and everyone who served on the Courthouse Committee in Jacksonville for helping me to bring this bill to the Floor today. Judge Simpson was the overwhelming choice for the people of Jacksonville, and it is easy to understand when one learns about his impact on civil rights in the State of Florida and in the entire South.

H.R. 315 is a bill to designate the courthouse at 300 North Hogan Street in Jacksonville, Florida as the ''John Milton Bryan Simpson United States Courthouse.'' Judge Simpson was a native of Florida, born in Kissimmee, Florida on May 30 of 1903. He attended local high school and the University of Florida, and in 1926 graduated from law school at the University of Florida.

After law school, he settled in Jacksonville, practicing law in addition to becoming an Assistant State's Attorney from 1933 until 1939. He then ran for and was elected as a State Judge serving from 1939 until 1943. In 1950, he was nominated by President Truman for the United States District Court, Southern Florida; and in 1966, was nominated by President Johnson and joined the Fifth Circuit Court of Appeals.

Judge Simpson was an active participant in the struggle for civil rights and was instrumental in desegregating Duval, Orlando, and Daytona Counties in Florida, all in my district. He became an agent for change in the Jim Crowe south. His judicial orders desegregated the schools, city pools, city golf courses, and the city zoo. For his personal courage, he was the subject of numerous death threats and cross burnings.

It is well known that Martin Luther King himself appeared before Judge Simpson and argued for a reversal on a ban on nighttime civil rights marching in St. Augustine. Within a week, Judge Simpson issued an order in support of King's appeal.

Judge Simpson was known as the giant of the legal system in Jacksonville. He was a man of great courage and fairness. It is most fitting that the new courthouse in Jacksonville is named in his honor.

Mr. Speaker, I urge my colleagues to support this bill which honors a judge of great distinction and character.

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

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding me this time. I join my colleague as an original cosponsor of this resolution in urging my colleagues to support this.

It is fitting that this new Federal courthouse, which stands 15 stories tall in my hometown of Jacksonville, Florida, and casts such a shadow over our city, it is fitting that it is going to be named after Judge Bryan Simpson who, while he served for 50 years in our community, was a giant of a man who cast his own shadow all across our community.

My colleagues have heard a little bit about his background and some of his professional career, but I had the good fortune of knowing Judge Simpson. I had the good fortune of being a friend of his son, Bryan Simpson, Jr. My dad and Judge Simpson practiced law together as young lawyers in Jacksonville, and the one thing about Judge Simpson is that as the father of Bryan Simpson, Jr., and he had five stepchildren, Joe, Tim, John, Eve, and Franklin, above all, he had this underlying belief in the dignity of every human being, and he lived out that belief in everything that he did.

Maybe that came from the life experiences that he had growing up in a little town in central Florida. His mother was the U.S. Postmistress of the U.S. Post Office there in Kissimmee. He went to Osceola High School and then went north to school to Gainesville, Florida, about 50 miles up the road. Often he would hitchhike, catch a ride up to Gainesville, and he would stop in a little town called Orlando and have lunch because there was a park there where people would kind of gather, and he would always find a friend there and share lunch together.

He finished school in 6 years. He got an undergraduate degree and a law degree. It usually takes 7 years, but Judge Simpson was part of a special program. He finished in 6 years, which was good for him, because he worked his way through law school, and it only

took 6 instead of 7 years. He often waited tables at a little place called the Primrose Grill.

Then he moved to Jacksonville, Florida, to start his law practice. He worked in a firm where my dad also worked as a young lawyer, and he always was a man of great humor. As a young lawyer, my dad used to tell me that he made about $40 a month. Judge Simpson was a little older, so he might have made $45 a month, but on one of his applications, it said, List your hobbies and your interests. And Judge Simpson wrote, Polo and international yacht racing. So when one of his senior partners came in and was a little upset and said, What is all this; what does this mean? Judge Simpson said, I am interested in polo and international yacht racing, but on my present salary, I am not really able to participate in those activities.

But be that as it may, he continued his career. He wanted to be a judge, so he ran for judge. In those days you could be a State judge by running for office. He had two uncles that had served in the United States Senate. He knew a little bit about politics, so he ran for office and became a State judge.

Then, World War II came along, so he went to Europe to serve his country. His job there was to go around after the battles took place, his job was to go into communities and try to rebuild the government. And he used to kid people that his limited French was learned in World War II. He could say, ''Ou est la maire?'' which meant, ''Where is the mayor?'' Because that is the first thing he would do when he got to the community, find out who the old mayor was and try to build this new government.

He came back from the war, back to Jacksonville, continued his work as a State judge and then, as has been pointed out, was appointed to the Federal bench by then-President Harry Truman. Fifteen years later, then-President Lyndon Johnson appointed him to the appeals court, which is one step down from the United States Supreme Court, and he served as the Chief Judge on the Fifth and the Eleventh Circuit.

So he had kind of a broad-ranging career, up until the time he went to Federal court. And as has been pointed out, he was a real leader in stepping forward, being fair, being compassionate in a difficult time in our Nation's history when not all of the judges, particularly in the South, were fair and compassionate. In fact, it was kind of the way, in those days, for Federal judges who did not believe in what was going on in the civil rights movement to simply delay their decisions and just delay and delay and delay.

Judge Simpson was known not only as a man of courage and conviction, but someone who made his rulings firmly and decisively and quickly. So I think it is fitting that we honor him today.

As I said, he lived his life in a way that brought dignity to all the people in his courtroom. I think he certainly deserves this kind of recognition, and I am proud to support this resolution, and I urge my colleagues to do so as well.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I just want to say I appreciate the gentleman's remarks on Judge Simpson. He personalized it and once again pointed out that only in America could somebody come from such humble beginnings and rise through the ranks of the American judiciary, and today we are naming a Federal courthouse after him.

So I have no further speakers. I encourage all of my colleagues to support H.R. 315.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 315, a bill to designate the United States Courthouse located at 300 North Hogan St., Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse''. I commend the bill's sponsor, the gentlelady from Florida, for her diligence and hard work in pursuit of honoring such an eminent jurist.

Judge Simpson was chosen for this distinction from among 20 nominees of prominent civic leaders and jurists who have played an outstanding role in the history of the middle district of Florida.

Judge Simpson was a native Floridian. He was born in 1903 in Kissimmee and attended local public schools. In 1926 he graduated from the University of Florida Law School. In 1950, after a long career in private practice and as a judge in Florida state court, President Truman appointed Judge Simpson to the U.S. District Court for the Southern District of Florida. In 1966, President Johnson appointed him to the U.S. Court of Appeals for the Fifth Circuit. Judge Simpson also later served on the U.S. Court of Appeals for the Eleventh Circuit.

Judge Simpson was known for his extraordinary personal courage and insistence on racial equality. Judge Simpson issued landmark decisions on desegregation, including ordering the desegregation of public schools in Orlando and Daytona Beach and ordering the desegregation of Jacksonville city pools and golf courses. With these decisions, he established a model for all such future decisions. Judge Simpson was also a devoted father and husband. His family, friends and colleagues enjoyed his companionship and his love of life.

It is fitting to honor the career of Judge Simpson and I urge my colleagues to support H.R. 315.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 315.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TONY HALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 548) to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse''.

The Clerk read as follows:

H.R. 548

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, shall be known and designated as the ''Tony Hall Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Tony Hall Federal Building and United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Speaker, I am pleased to bring before the House H.R. 548, introduced by my colleague, the gentleman from Springfield, Ohio (Mr. HOBSON), which designates the Federal building and United States courthouse at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse.''

Tony Hall's record of service to the United States and the world is well documented. He has served as a teacher of English in Southeast Asia, a member of the Ohio State legislature, a member of the House of Representatives and, now, as an official with the United Nations.

During each of these endeavors, Tony Hall worked to make life better for those less fortunate, whether it was educating a single child who may not

otherwise have attended school, or as an administrator of an international organization bringing food to the hungry worldwide.

This is an appropriate honor that has the support of the entire Ohio delegation. Unfortunately, this is the third time that this matter has come to the Floor. During the 107th and 108th Congresses, my predecessor, the gentleman from Ohio (Mr. LATOURETTE), brought this matter before the House and each time it passed by voice vote, but was never considered by the Senate.

As a new subcommittee chairman, it is my pleasure to continue his efforts to get this bill enacted into law. I hope the results of our consideration this year will be more positive.

I support this legislation and encourage my colleagues to do the same.

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

□ 1500

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume. H.R. 548 is a bill to designate the Federal building and courthouse in Dayton, Ohio, as the Tony Hall Federal building and United States courthouse in honor of our former colleague from Ohio, Tony Hall. This bill has strong bipartisan support.

Tony Hall is a true son of Ohio. He was born in Dayton in 1942. After attending local schools, he graduated from Denison University in 1964. He was accepted into the Peace Corps and served as a volunteer in Thailand from 1966 until 1968. Upon his return, he was elected to the Ohio house of representatives and in 1972 was elected to the Ohio senate. In 1978 he was elected to the House of Representatives where he served for 11 terms.

Tony Hall currently serves as the United States Ambassador to the United Nations Agencies for Food and Agriculture.

Tony Hall was founder and cochair of the Congressional Hunger Center, a nonprofit organization created to bring awareness to the growing and persistent problems of world hunger. He also served as chairman of the House Select Committee on hunger from 1989 until 1993. Congressman HALL sponsored legislation to help immunize the world's children against major diseases and to increase U.S. funding for distribution of vitamins A and C.

His passion for protecting and ensuring human rights and combating hunger brought Congressman HALL to such places as North Korea, Peru, Sudan, Haiti, just to name a few. In 1994 he helped nominate Bishop Carlos Belo for the Nobel Peace Prize for the bishop's role in protecting civilians during armed conflict.

Congressman HALL was an exemplar for his unswerving commitment and sustaining contribution to promoting humanity and peace in a world stricken with poverty and torn by war. This designation is a fitting tribute to his exceptional public service, and I urge my colleagues to support H.R. 548.

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

Mr. SHUSTER. Mr. Speaker, I yield as much time as he may consume to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Speaker, the legislation now under consideration by the House would permanently name the Dayton Ohio Federal building in honor of our good friend and former colleague, Tony Hall. This legislation which, as I introduced, as you have heard, has been cosponsored by every member on both sides of the aisle of the Ohio delegation. For nearly 24 years Tony Hall represented Ohio's Third Congressional District with honor and distinction. And he currently serves as United States ambassador to the United Nations food and agriculture agencies in Rome. There he has been a tireless advocate on behalf of those who face the hardships of hunger around the world.

In Congress, Tony was always guided by his faith and family. He spent 21 years on the House Rules Committee, was a founding member of the select committee on hunger, and a founder and chairman of the congressional hunger center.

As colleagues, Tony and I worked together in a partnership for the benefit of citizens of the Miami Valley on numerous projects and initiatives, including those involving Wright Patterson Air Force Base and the Dayton Aviation Heritage National Historic Park, which is the first bill that I passed in this legislature.

A leading humanitarian, Tony has been nominated three times for the Nobel Peace Prize for his work with hunger, relief aid programs, and improving international human rights conditions.

Tony was a football star, a little All American at Denison, a Peace Corps volunteer, a noted world traveler, and a devoted husband and father and a dedicated public servant.

We are all better people today because Tony Hall was in Congress. The example he set in working to improve the lives of others is something that all of us can learn from.

This legislation is a lasting way to pay tribute to Tony's efforts over the years, and I urge all of my colleagues to support this bill. And I hope we will meet with better success this year in the other body than we did in the two previous years. And I urge all my colleagues to support this legislation.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield as much time as he may consume to the gentleman from Chicago, Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from Florida for yielding time. I was thinking last Thursday as I listened to Tony Hall as the keynote speaker for the national prayer breakfast, and as I was rooted to my seat, that I had never heard a more eloquent rendition of a speech. I had never heard a more passionate speech. I had never heard a more meaningful speech. So I simply rise in support of the naming of this courthouse.

Tony Hall is one of the most distinguished and nonpartisan Members this body has ever experienced: protecting human rights, working on behalf of the poor, seeking peace. All of those have been his trademarks.

All of us who have had the opportunity to know and work with him; our individual as well as collective lives have been enriched. And so I urge strong support of the naming of this courthouse for Tony Hall and could think of no better name that it could have.

Mr. SHUSTER. Mr. Speaker I yield 4 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I thank the gentleman for yielding me time. I associate myself with the remarks of the gentleman from Ohio (Mr. HOBSON) and the gentleman from Illinois (Mr. DAVIS).

The gentleman from Illinois (Mr. DAVIS) mentioned that Tony Hall was a friend to every Democrat and every Republican in this body. He and the gentleman from Virginia (Mr. WOLF) reached across the aisle united in a goal to alleviate hunger throughout the world, to be a friend to those who were sick and in need of hope. He is not only our friend but every sick child in every poor country of the world has a friend in Tony Hall. Anyone who goes to bed hungry in those countries tonight has an advocate in Tony Hall. And those that do not have a job in these poor countries that only wish to work and help bring up their children and educate them, they all have a tireless supporter in Tony Hall.

If anyone has done what we might say is the work of the Lord or of our God throughout this world it is Tony Hall.

The gentleman from Ohio (Mr. HOBSON) last year on the floor of this House described our colleague, former colleague, as the ''real deal,'' and he is the real deal. He was the same back in his district and here in Washington as when he goes to emerging third world countries. Back in his district, where he served for 24 years, the longest-serving Member from Dayton, Ohio, in the history of this Congress, he organized programs to take surplus and leftover food down to the shelters in his district, homeless shelters. And through those programs today on the streets of Dayton and other cities in Ohio, people will go to bed tonight with food in their stomachs because of his efforts in their own hometown.

When he was in Washington, he was a tireless advocate. You may recall in 1993 as chairman of the House Select Committee on Hunger that that committee was abolished. Tony Hall went on a hunger strike not for one day, not for 5 days, not for 10 days, but for 22 days. He fasted and went without food. Now that is commitment. That is a ministry.

Now today he is doing the same thing as our ambassador to the U.N. agency in Rome. He is not riding a desk. He is not sitting back and have others report to him. He is going out. And his average day is not spent in Rome, but it is spent traveling throughout the world, seeing firsthand, witnessing these different programs, finding out those that work and improving them, finding out those that do not work and are failing. And even today, he is doing what he did here. Poor children, those that are sick, those that are without hope, Tony Hall today in his travels throughout the world is making a better life for them and for us.

Let me close by simply discussing two things. One is a 3-page résumé, but it is really a witness to a life well served, a life of commitment and devotion, a ministry and a passion that Tony Hall has to the poor and the hungry and the hopeless of this world. UNICEF awards, Oxfam awards, Bread for the World Award, numbers of awards. But Tony Hall would say, Do not recognize me for that. Recognize me for the hope that I have brought to the world, to the poor and the sick and the hopeless.

I also would like to introduce this 3-page document, a life well lived, a life really which ought to be honored, and a courthouse is the least thing we should do for him, but also a tribute that the gentleman from Ohio (Mr. HOBSON) gave to this great American, this great individual, Tony Hall. And to him and his wife, Janet, I give my sincere and utmost thanks for everything they have done to make this a better world for all of us.

AMBASSADOR TONY P. HALL

Three times nominated for the Nobel Peace Prize, Ambassador Tony P. Hall is a leading advocate for hunger relief programs and improving human rights conditions in the world. In February 2002, President George W. Bush asked him to serve as the United States Ambassador to the United Nations Agencies for Food and Agriculture. He was confirmed by the U.S. Senate and was sworn in by Secretary of State Colin Powell in September 2002.

Prior to entering the diplomatic corps the Dayton, Ohio native represented the Third District of Ohio in the U.S. House of Representatives for almost twenty-four years, their longest serving representative in history. During his tenure, he was chairman of the House Select Committee on Hunger and the Democratic Caucus Task Force on Hunger. He founded and was one of two House members on the steering committee of the Congressional Friends of Human Rights Monitors. He authored legislation that supported food aid, child survival, basic education, primary health care, micro-enterprise, and development assistance in the world's poorest countries. Ambassador Hall also founded and chaired the Congressional Hunger Center, a non-governmental organization committed to ending hunger through training and educational programs for emerging leaders.

A founding member of the Select Committee on Hunger, Mr. Hall served as its chairman from 1989 to 1993. During this time, he initiated legislation enacted into law to fight hunger-related diseases in developing nations. He sponsored a successful 1990 emergency measure to assist state-run Women, Infants and Children (WIC) programs. Mr. Hall helped to establish a clearinghouse that provided food through gleaning, a process of gathering grains and produce left on the ground after harvesting. Mr. Hall has worked to promote micro-enterprise to reduce joblessness. In response to the abolishment of the Hunger Committee in April 1993, he fasted for 22 days to draw attention to the needs of hungry people in the United States and around the world.

In his efforts to witness the plight of the poor and hungry first-hand, he has visited poverty-stricken and war-torn regions in more than 100 countries. He was the first Member of Congress to visit Ethiopia during the great famine of 1984–5. He has visited North Korea six times since 1995, and was one of the first Western officials to see the famine outside of the capital, Pyongyang. In 2000, he became the first Member of Congress to visit Iraq to investigate the humanitarian situation. During his second week as Ambassador, he traveled to Zimbabwe and Malawi to see the food deficit crisis in southern Africa.

Mr. Hall has worked actively to improve human rights conditions around the world, especially in the Philippines, East Timor, Paraguay, South Korea, Romania, and the former Soviet Union. In 2000, he introduced legislation to end the importation of conflict diamonds mined in regions of Sierra Leone, Angola and the Democratic Republic of Congo. In 1983 he founded the Congressional Friends of Human Rights Monitors. In 1999, he was a leader in Congress calling for the United States to pay its back dues to the United Nations. In 1997 and 2000, Mr. Hall introduced legislation calling on Congress to apologize for slavery. He also has worked at promoting reconciliation among diverse peoples through a number of private initiatives.

In 1964 Mr. Hall graduated from Denison University in Granville, Ohio where he was a Little All-American football player. During 1966 and 1967, Mr. Hall taught English in Thailand as a Peace Corps Volunteer. He returned to Dayton to work as a realtor and he was a small businessman for several years. Mr. Hall and his wife Janet raised two children.

Mr. Hall served in the Ohio House of Representatives from 1969 to 1972, and in the Ohio Senate from 1973 to 1978. On November 7, 1978, Mr. Hall was selected to the 96th Congress. He served on the Foreign Affairs and Small Business Committees before being appointed to the Rules Committee at the beginning of the 97th Congress.

Ambassador Hall was nominated for the Nobel Peace Prize for 1998, 1999 and 2001 for his humanitarian and hunger-related work. For his hunger legislation and for his proposal for a Humanitarian Summit in the Horn of Africa, Mr. Hall and the Hunger Committee received the 1992 Silver World Food Day Medal from the UN Food and Agriculture Organization. Mr. Hall is a recipient of the United States Committee for UNICEF 1995 Children's Legislative Advocate Award, U.S. AID Presidential End Hunger Award, 1992 Oxfam America Partners Award, Bread for the World Distinguished Service Against Hunger Award, and NCAA Silver Anniversary Award. He received honorary Doctor of Laws degrees from Asbury College, Antioch College and Eastern College and a Doctor of Humane Letters degree from Loyola College in Baltimore. In 1994, President Clinton nominated Mr. Hall for the position of UNICEF Executive Director.

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to my fellow Ohioan and good friend, Tony Hall.

For years, Tony and I have worked together for the benefit of the citizens of the Miami Valley on numerous projects and initiatives. I am very happy that he has this new opportunity to work directly on hunger issues at the United Nations, but it is still very said to see him leave the House of Representatives.

Tony is now at the end of a nearly 24-year career representing the people of Montgomery County on Capitol Hill and is taking his crusade against hunger to a global stage.

The youngest son of one of Dayton's most beloved mayors, Tony has been a football star, a Peace Corps volunteer, a noted world traveler, a devoted husband and father, and a dedicated public servant. Tony has become the area's longest-serving Congressman and a three-time Nobel nominee known worldwide for his work against hunger.

In Congress, Hall has been guided by faith and family and never chosen Capitol Hill events over the importance of being home with his wife and children. He has spent 21 years on the House Rules Committee, and I have been pleased to work with Tony on numerous local projects for the Miami Valley: from supporting the National Composites Center, to saving the Air Force Institute of Technology.

Ten years ago, Tony and I worked to establish the Dayton Aviation Heritage National Historical Park and we just recently embarked upon a new effort to create the National Aviation Heritage area to preserve Ohio's aviation heritage for the future.

When I first came to Congress, Tony was one of the first Members of Congress to reach out to me, and show me the ropes. He didn't have to do that, and I have always appreciated his willingness to make me feel comfortable in this new environment.

Nobody goes around Capitol Hill grumbling about Tony Hall. He is the genuine article, he works hard for his constituents and he is a man of principle, and of his world.

Tony has managed to be a positive force, despite the difficult challenges he has faced in his personal life. We are all better people because Tony Hall has been here.

As Ohio's Seventh District Representative to the Congress of the United States, I take this opportunity to join with members of the Ohio delegation to honor the efforts and the many outstanding achievements of Rep. Tony Hall. His many contributions as a member of the House of Representatives and leadership will be remembered.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I have no additional requests for time, and I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. BOEHNER).

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

Mr. Speaker, I thank the gentleman from Ohio (Mr. HOBSON) for bringing this resolution to the floor once again. The gentleman from Ohio (Mr. HOBSON) and I and Tony Hall all worked in the Miami Valley area, Greater Dayton area together. And when you think about Tony Hall, there is only one word that comes to mind and that is humanitarian.

When you read the description of humanitarian in the dictionary, it ought to just have Tony Hall's name there. Of all the people I have worked with in the Congress during what is now 15 years, I am not sure that I have worked with someone so dedicated and so focused on trying to help the poor and the needy, not only in his district and around the country but around the world. He is a tireless advocate on behalf of those who are hungry.

The gentleman from Ohio (Mr. HOBSON) had a CODEL group of us over in Rome. We met with Tony Hall. Tony took us to the U.N. Food Program, and we had long conversations about the needs in various places around the world. And if it was not in Rome, it used to be right here in the back of the Chamber when Tony would stop any one of us to help describe the problems that people were having around the world and here in our country and the need for better nutrition programs and better food distribution programs. So I cannot think of anyone who we should honor in naming this courthouse in Dayton, Ohio, but my good friend and our former colleague, Tony Hall.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. HOBSON) for doing this. It is a tremendous symbol of bipartisanship, Republicans and Democrats coming together, nothing to gain. Mr. HALL is gone. And yet the gentleman from Ohio (Mr. HOBSON) does this. I want to thank him. Also it is interesting that we have Members from both sides, Republican and Democrat, who have come together to agree on the impact that Congressman HALL has had not only on this institution, but also the poor and the hungry of the world.

Tony has said many times that when you give to the poor, and it is from Proverbs, you really lend to God. And no one that I know has taken their faith into the world and into the community, if you will, and had a greater impact on the lives of the poor and the hungry and the naked. His life was almost a kind of symbol of the Matthew 25 where Jesus talks about the poor, the hungry, the naked, and those in prison. Tony has taken that.

He has also had an impact on the lives of a lot of Members in this body. There is a statement by Francis of Assisi that, I would rather see a sermon than hear a sermon. And by watching Tony Hall, and not listening but watching it, we have seen the sermon whereby he has taken his life, as the gentleman from Alabama (Mr. BACHUS) has said.

Mr. Speaker, I want to congratulate Tony and his wife, Janet, and their daughter Jill for the life here, but the life is just kind of beginning.

□ 1515

Tony has now left this institution and is in Rome and doing as much there, and we are going to hear a lot more about Tony Hall. This is not like we get some bills whereby somebody has come to the end and is moving back to their district, they are buying a retirement home down in wherever they are. This guy is just kind of moving out. He is a young man, just beginning, and we will see a lot from Tony.

Lastly, I want to personally thank Tony Hall. He asked me to go to Ethiopia in 1984 and took me to Romania in 1985, which literally changed the direction of my life in this institution. So on behalf of all the Members on both sides of the aisle, we thank Tony for the impact he has had on this institution and on our lives, and particularly for taking care of the poor and hungry around the world.

Mr. Speaker, I rise in support of H.R. 548, to designate the Federal Building and United States courthouse at West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse."

Our former colleague Tony Hall, the representative of the 3rd District of Ohio for nearly 24 years, continues to serve as the United States Ambassador to the United Nations food and agriculture agencies located in Rome, Italy, since his appointment by President Bush in 2002. As you may recall, Tony resigned his House seat to take up the ambassadorial post in Rome, where he is continuing his passionate work as a leading advocate for ending hunger and promoting food security around the world.

I want to thank Congressman DAVID HOBSON of Ohio for introducing H.R. 548 to honor Tony in his hometown of Dayton by attaching his name to the Federal building and courthouse there. It is an appropriate recognition for the nearly 24 years of service in the House and the 10 years of service in the Ohio General Assembly that Tony Hall provided to the people of Dayton and surrounding areas.

I miss my dear friend Tony very much as our colleague in the House, but I know that he is absolutely the right person to be serving as the United States Representative to the World Food Programme, the Food and Agriculture Organization, and International Fund for Agricultural Development, all agencies of the United Nations which assist international hunger-relief efforts.

Tony Hall's name is synonymous with the cause of alleviating hunger both domestically and worldwide. He believes that food is the most basic of human needs, the most basic of human rights.

He passionately worked to convince others that the cause of hunger, which often gets lost in the legislative shuffle and pushed aside by more visible issues, deserved a prominent share of attention and resources to assist people who are the most at risk and too often the least defended.

He also worked as a tireless advocate for the cause of human rights around the world and focused his attention on the illicit diamond trade in Sierra Leone. He convinced me to travel with him to Sierra Leone in late 1999 to see how the machete-wielding rebels there intimidated men, women and children by hacking off arms, legs, and ears. He led the effort in bringing to the attention of Congress the conflict diamond trade and authoring legislation to certify that the diamonds Americans buy are not tainted with the blood of the people of Sierra Leone and other African nations.

We also traveled together in January 2002 to Afghanistan with Congressman JOE PITTS as the first congressional delegation to that country after the launch of the war on terrorism. We visited hospitals, an orphanage, schools, and refugee camps. We met with U.S. diplomats and soldiers; with local leaders and officials with direct responsibility for humanitarian problems and refugees; with representatives of the United Nations and private relief organizations; and in Pakistan with refugees and members of religious minority groups.

Tony is never deterred in his effort to help make a positive difference in the lives of suffering people. In his years in Congress, he traveled to wherever the need arose and met with whomever he could to effect change, taking risks few would take, with his own comfort and safety never entering his mind.

I believe Tony's life destiny is to be a servant. During 1966 and 1967, he taught English in Thailand as a Peace Corps volunteer.

He returned to Dayton to work as a realtor and small businessman for several years, but before long, he was elected to the Ohio House of Representatives where he served from 1969 to 1972, and then to the Ohio Senate, serving from 1973 to 1978. On November 7, 1978, Tony was elected to the House of Representatives from the 3rd District of Ohio and served with distinction for over two decades.

Tony Hall is an inspiration to everyone fortunate enough to know him. He has a wonderful combination of compassion and passion filled with spiritual purpose—compassion to see the suffering in the less fortunate in the world and the passion to work to do something about it.

I urge a unanimous vote in support of H.R. 548, to recognize the dedicated public service of Tony Hall by naming the Federal building and courthouse in Dayton, OH, in his honor.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. REGULA).

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

A United States courthouse and Federal building is a symbol of liberty and justice for all. Tony Hall's career has been marked with a lifetime of working for the goals of justice and liberty for all people. A courthouse named after Tony Hall is a fitting tribute to a life well lived. All of us in Ohio take special pride in the accomplishments of our friend and colleague, Tony Hall.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of this resolution to name the Federal building in Dayton, Ohio after my friend and former colleague, Tony Hall.

Tony Hall took great pride in representing his hometown of Dayton in Congress for nearly 24 years. His father had served as Mayor of Dayton, and the strong values he learned growing up in that community were reflected in everything that he did. Tony fought hard for the people of Dayton.

But Tony Hall is also a citizen of the world. His first job out of college was as Peace Corps volunteer, teaching English in Thailand from 1966 to 1968. He has visited more than 100 countries in his effort to see, understand, and improve the lives of the world's least fortunate. He has fought to end the importation of conflict-diamonds from Africa. And he was a leader in Congress in asking that the U.S. pay its dues to the United Nations.

Perhaps the issue we most associate with Tony Hall is his heroic and tireless work to end hunger. Tony understands that it is by virtue of our humanity—not our citizenship in one country or another—that we have certain inalienable rights. And Tony knows in his heart that it is wrong, in this age of abundance, to let anyone go hungry—whether they live across town in Dayton or across the world in North Korea. In 1993, when the Select Committee on Hunger, which he chaired, was eliminated, Tony fasted for 22 days in protest.

I was honored to work with Tony Hall on a number of human rights issues in Congress, particularly on issues involving the repressive regime in China. He brought to these causes a seriousness of purpose and a generosity of spirit that were a constant source of inspiration, on issues where inspiration is in short supply.

Since he left the Congress, we have followed his work with pride as he has served with distinction as the U.S. Ambassador to the United Nations Agencies for Food and Agriculture.

Throughout his career, Tony has never shied away from suffering, but he has refused to accept it as inevitable. As Tony says over and over: "Hunger has a cure." As a member of Congress, and now as an Ambassador, Tony Hall has always been part of that cure.

I urge my colleagues to support this fitting tribute to a good and great man who has lifted the lives of so many here and around the world.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 548, a bill to honor our former colleague Tony Hall by designating the federal building located at 200 West 2nd Street in Dayton, Ohio as the "Tony Hall Federal Building and United States Courthouse." The House introduced and passed two similar bills with strong bipartisan support in the 107th and 108th Congresses. Unfortunately, the other body did not vote on either bill. We reintroduced this legislation early in this session and are considering it today to ensure that Congress has the opportunity to complete action on it in the 109th Congress.

Tony Hall was elected to his first term in Congress in 1978. He went on to serve 11 consecutive terms. Congressman Hall spent 21 years on the House Rules Committee and was chairman of the House Democratic Caucus Task Force on Hunger. Congressman Hall's long career in public service is distinguished by his unwavering commitment to humanitarian causes, in particular to combating hunger issues not only in this country, but also among the world population. His early commitment to helping others and serving this Nation began in the Peace Corps, which he joined in 1966 after graduating from Denison University in Ohio.

I witnessed this commitment first hand in 1983 when I traveled with Congressman Hall and two other colleagues to Kansas City. At a time of high unemployment in our country, the Federal Government was storing surplus milk, butter and cheese in Kansas City. Congressman Hall was determined to focus national attention on this issue and press for the release of this surplus food into general distribution. He even personally went on a hunger strike to compel the government to release the stored food. As a result of these efforts, the stored food was eventually distributed to homeless shelters and the general public.

Throughout his career, Congressman Hall focused on helping those in need. He promoted economic development that created jobs, championed efforts to ease food-stamp reductions, and in 1997, spearheaded the "Hunger Has A Cure" campaign.

In the international arena, Congressman Hall visited numerous countries around the world in an effort to focus attention on the problems of world hunger and to promote international aid. He took part in one of the first Congressional delegation trips to Ethiopia in the 99th Congress, and he traveled to Bangladesh to observe disaster relief programs in the 100th Congress. Congressman Hall also helped create the Select Committee on Hunger, which focused on the problem of hunger both domestically and internationally. He served as Chairman of that Select Committee from 1988 until its elimination in 1993. He was also founder and co-chair of the Congressional Hunger Center, a nonprofit organization created to bring awareness to world hunger concerns. Tony Hall made numerous other trips across the world to serve as an advocate for human rights, including a trip to draw attention to the illicit diamond trade in Sierra Leone.

Congressman Hall continues to work to banish world hunger and promote developmental assistance. In 2002, President Bush appointed him Ambassador to the United Nations Agencies for Food and Agriculture. He was once aptly described by former colleague Eva Clayton as "the moral conscience of Congress on issues of hunger and poverty." This bill to designate the "Tony Hall Federal Building and U.S. Courthouse" is a fitting tribute to the compassion and humanity with which Ambassador Hall conducts his public service.

I urge all of my colleagues to honor Tony Hall and to support H.R. 548.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 548, to designate the Federal Building and United States courthouse at West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse."

Our former colleague Tony Hall, the representative of the 3rd District of Ohio for nearly 24 years, continues to serve as the United States ambassador to the United Nations food and agriculture agencies located in Rome, Italy, since his appointment by President Bush in 2002. As you may recall, Tony resigned his House seat to take up the ambassadorial post in Rome, where he is continuing his passionate work as a leading advocate for ending hunger and promoting food security around the world.

I want to thank Congressman DAVID HOBSON of Ohio for introducing H.R. 548 to honor Tony in his hometown of Dayton by attaching his name to the Federal building and courthouse there. It is an appropriate recognition for the nearly 24 years of service in the House and the 10 years of service in the Ohio General Assembly that Tony Hall provided to the people of Dayton and surrounding areas.

I miss my dear friend Tony very much as our colleague in the House, but I know that he is absolutely the right person to be serving as the United States representative to the World Food Programme, the Food and Agriculture Organization, and International Fund for Agricultural Development, all agencies of the United Nations which assist international hunger-relief efforts.

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traveled to wherever the need arose and met with whomever he could to effect change, taking risks few would take, with his own comfort and safety never entering his mind.

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Tony Hall is an inspiration to everyone fortunate enough to know him. He has a wonderful combination of compassion and passion filled with spiritual purpose—compassion to see the suffering in the less fortunate in the world and the passion to work to do something about it.

I urge a unanimous vote in support of H.R. 548, to recognize the dedicated public service of Tony Hall by naming the Federal building and courthouse in Dayton, Ohio, in his honor.

Mr. HONDA. Mr. Speaker, I rise today in strong support of H.R. 4232 to designate the United States courthouse at 200 West 2nd Street, Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse.''

Ambassador Tony Hall served in Congress for 26 years before accepting an appointment to the United Nations Agencies for Food and Agriculture in Rome, Italy, where he oversees the World Food Program, the Food and Agriculture Organization and the International Fund for Agricultural Development.

During his time as Member of Congress, in his pursuit to eliminate hunger worldwide, Ambassador Hall chaired the House Select Committee on Hunger and founded the Congressional Hunger Center. Ambassador Hall has been nominated for the Nobel Peace Prize three times for his humanitarian efforts and his work to prevent hunger worldwide. Today we honor the compassion, faith, and commitment of the man who once raised public awareness and attention on hunger issues by fasting for over three weeks.

I came to know of Ambassador Hall's work through my role as Chair of the Ethiopian Caucus. He was the first Member of Congress to visit Ethiopia during the great famine of 1984. Since then his commitment to Ethiopia has remained steadfast and he has succeeded in directing international aid and awareness to the dire hunger situation that the region faces. Much of the Caucus' work is predicated on the foundation that he built and Ethiopians and the Ethiopian Caucus are indebted to him for his contributions to the region.

Ambassador Hall possesses conviction and compassion befitting a public servant and we are fortunate that he represents the United States abroad.

Mr. OXLEY. Mr. Speaker, I'm proud to join my colleagues from Ohio in cosponsoring H.R. 548, which will designate the Tony Hall Federal Building and United States Courthouse in his hometown of Dayton. I thank the gentleman from Springfield, Mr. HOBSON, for introducing this legislation to honor our exemplary former colleague.

Tony Hall continues to be a tireless advocate for human rights around the world. His dedication to combating world hunger and helping the poor and needy made him the ideal choice to oversee the United Nations Agencies for Food and Agriculture, a job for which he was tapped in 2002. While we miss his leadership and friendship here in the House, we know that President Bush could not have picked a greater humanitarian or man of faith for this vital role.

I was honored to serve with Tony for more than two decades, and was grateful for the leading role he played and the stellar example he provided to all of us. In 2000, when Ohio's official State motto—''With God All things Are Possible''—was struck down by the courts, I was proud to join with Tony in a House resolution supporting our State's expression of optimism and faith.

Mr. Speaker, this resolution is a fitting tribute to a true public servant and Nobel Peace Prize nominee who has committed his life's work to helping those in need. I urge all my colleagues to support this bill to honor our good friend and former colleague whose service to others is an example for us all.

Ms. PRYCE of Ohio. Mr. Speaker, it is with great honor that I rise today in support of H.R. 548, a bill to designate the Federal building and courthouse in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse.''

Since his graduation from Denison University, Tony Hall has been working as a public servant, beginning a career that would affect not only the residents of the 3rd district in Ohio, but the world as well. He returned from the Peace Corps in 1968, after which he honorably served in both the Ohio statehouse and senate before being elected to the U.S. House of Representatives in 1978.

In his 12 terms in the House, Mr. Hall was a devout advocate for the eradication of poverty and the improvement of human rights conditions around the world. While Mr. Hall was a trusted colleague of the House Rules Committee and tireless worker for the people of Ohio, he is best known for his unwavering commitment to alleviating the crisis of worldwide hunger. In addition to being the founder and chairman of the Congressional Hunger Caucus, Mr. Hall was nominated three times for the Nobel Peace Prize for his humanitarian work and dedication to hunger relief issues. He resigned from Congress in 2002 to accept a much deserved appointment as the United States Ambassador to the United Nations Agencies for Food and Agriculture. As the leader of the United Nations World Food Program, Ambassador Hall has been at the forefront in confronting the extraordinary challenge of providing food and supplies to the millions devastated by the tsunami disaster in South Asia.

Tony Hall truly exemplifies what it means to be a public servant. His faith and dedication to the welfare of others provides an excellent example of how one person can positively affect the lives of so many. I am honored to have served with him in Congress and call him a friend.

I would like to thank the gentleman from Ohio for introducing this legislation and I call on my colleagues for their support on this resolution.

Mr. TURNER. Mr. Speaker, I rise today in strong support of H.R. 548, the Tony Hall Federal Building and United States Courthouse Designation Act, introduced by my good friend and colleague, DAVE HOBSON.

Tony Hall has a long and distinguished history of service to the people of Ohio, our nation, and the world. He served in the Ohio General Assembly and the Ohio Senate. Tony Hall then served 12 terms in the U.S. House of Representatives where he worked tirelessly for the interests of the residents of the third district of Ohio, the district I now have the honor to represent. Not only did he ably represent his constituents, Tony Hall was also concerned about the well-being of those who lived beyond the boundaries of his congressional district, and his work on hunger and human rights issues throughout the world have benefited the lives of many. His work for the less fortunate around the world is held in such high regard that he has been nominated for the Nobel Peace Prize three times.

Today, Tony Hall serves as the U.S. Ambassador to the United Nations Agencies for Food and Agriculture in Rome. On a personal level, my wife and I had the honor to be Tony Hall's guest for dinner last Christmas in Rome. His hospitality and graciousness helped make this holiday very special, and is a typical example of how he treats people with openness and warmth.

We also share a unique connection: Tony Hall's father was once the mayor of Dayton, a position which I also held. As mayor, I was always conscious of the extraordinary reputation his father had earned in that office. Clearly, a sense of public duty, a commitment to high standards, and a passion for improving the lives of others was handed down from father to son.

The legislation we consider today properly honors a man whose accomplishments demonstrate how one man can make a positive difference in the lives of his countrymen and his fellow man throughout the world. I strongly urge the passage of this legislation.

Mr. PORTMAN. Mr. Speaker, I rise today to honor my friend, fellow Ohioan, and former colleague, Ambassador Tony Hall, upon overwhelming House passage of legislation to designate the building located at 200 West Second Street in Dayton, Ohio as the ''Tony Hall Federal Building and Courthouse.''

Currently United States Ambassador to the United Nations Agencies for Food and Agriculture, Mr. Hall is well known to those of us from Ohio and in the House. But for those who are not familiar with his distinguished career, permit me to relate just a few of his many accomplishments.

Prior to serving as Ambassador, Mr. Hall represented the people of the Third Congressional District of Ohio for nearly 24 years. During his service in Congress, he was a founding member and Chairman of the House Select Committee on Hunger and Chairman of the Democratic Caucus on Hunger. Ambassador Hall also founded and served as a steering committee member for the Congressional Friends of Human Rights Monitors.

In Congress, Ambassador Hall wrote significant legislation supporting food aid, child survival, basic education, primary health care, microenterprise and development assistance

programs for the world's poorest nations. He has made over one hundred trips to poverty stricken and war torn nations in his efforts to observe first hand the important work of these programs.

His tireless advocacy for hunger relief and humanitarian programs around the world resulted in his being nominated for the Nobel Peace Prize three times. He has also received the UNICEF 1995 Children's Legislative Advocate Award; the U.S. AID Presidential End Hunger Award; the 1993 Oxfam America Partners Award; and the NCAA Silver Anniversary Award.

A graduate of Denison University, Ambassador Hall was a Peace Corps volunteer in Thailand. He and his wife, Janet, have two children.

The naming of the federal building and courthouse in Dayton is a fitting tribute to Ambassador Hall's work for the people of Ohio and around the world. I join my colleagues in congratulating him on receiving this important honor.

Mr. SHUSTER. Mr. Speaker, we have no more speakers at this time. Again, Mr. Speaker, I ask all my colleagues to support H.R. 548 in honor of Tony Hall and for what he has done for this Nation.

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

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 548.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 548 and H.R. 315, the measures just considered by the House.

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

There was no objection.

RECESS

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

Accordingly (at 3 o'clock and 18 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

□ 1830

AFTER RECESS

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motions to suspend the rules previously postponed. Votes will be taken in the following order:

H. Res. 46, by the yeas and nays;

H.R. 315, by the yeas and nays;

H.R. 548, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL MENTORING MONTH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 46.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the resolution, H. Res. 46, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 20, as follows:

[Roll No. 20]

YEAS—414

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, 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 (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)

Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Ackerman
Baird
Davis (FL)
DeGette
Emerson
Eshoo
Etheridge
Feeney
Gutierrez
Hinchey
LoBiondo
Lynch
Neugebauer
Ney
Payne
Sabo
Snyder
Stupak
Watson
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1856

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JOHN MILTON BRYAN SIMPSON UNITED STATES COURTHOUSE

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of suspending the rules and passing the bill, H.R. 315.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 315, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 21, as follows:

[Roll No. 21]

YEAS—412

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

NOT VOTING—21

Ackerman
Baird
DeGette
Emerson
Eshoo
Etheridge
Feeney
Gerlach
Gutierrez
Hinchey
Holt
LoBiondo
Lynch
Neugebauer
Ney
Payne
Sabo
Snyder
Stupak
Watson
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1907

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TONY HALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 548.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 548, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 22]

YEAS—404

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

NOT VOTING—29

Ackerman
Baird
Cardoza
Clyburn
DeGette
Emerson
Eshoo
Etheridge
Feeney
Gerlach
Granger
Gutierrez
Hinchey
Holt
Kirk
LoBiondo
Lynch
Napolitano
Neugebauer
Ney
Payne
Sabo
Snyder
Stearns
Stupak
Taylor (NC)
Watson
Wexler
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1924

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent today from this Chamber. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 20, 21 and 22.

ELECTION OF MEMBER TO COMMITTEE ON THE BUDGET

Mr. BOUSTANY. Madam Speaker, I offer a resolution (H.R. 68), and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 68

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Committee on the Budget: Mr. Simpson to rank after Mr. Ryan of Wisconsin.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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.

ORDER OF BUSINESS

Mr. KELLER. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

PELL GRANT FUNDING

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

Mr. KELLER. Madam Speaker, I rise today to speak in favor of a part of President Bush's budget that receives no fanfare or publicity, and that is Pell grants. Pell grants are dollars that we give to children from low- and moderate-income families to help them go to college. I personally would not have been able to go to college without Pell grants, and I serve as chairman of the Congressional Pell Grant Caucus.

When I was elected to Congress in 2000, I made increasing Pell grant funding my top priority, and with this budget, President Bush has done his part, too.

Now, I have heard some people complain that maybe the President and Congress are not doing enough to increase Pell grants, so I am here today to provide a little straight talk regarding Pell grant funding.

Let us begin by comparing funding situations in 2000 with the President's current budget proposal. As Members can see, we have increased Pell grant funding overall by 137 percent since the year 2000 from $7.6 billion to $18 billion. We have also increased the individual awards from $3,300 to $4,150 with an extra $1,000 for those smart kids who qualify under the Pell Grant Plus Program by taking rigorous courses. And we also have an additional 1.6 million students who are now eligible for Pell grants, an increase of 41 percent.

Some say that maybe we should be doing even more than this. Well, let us compare the history. Over the past 20 years, we have had Pell grants, demonstrated here based on the Democratic-controlled Congress in yellow from 1986 to 1995, and the Republican Congress afterwards. As Members can see before Republican control of Congress, the Pell grant level remained flat at or around $2,300, and increased dramatically up to $4,150 today, with an extra $1,000 for those who qualify for the Pell Grant Plus Program.

Some say, why just a $100 increase for students, why not more? Well, for every $100, it costs the taxpayers $400 billion to pay for it. We also have the especially large challenge of having the largest number of high school graduates in history, and it is going up and up and up until the year 2008, and then it will decline.

The third challenge is we face a Pell grant deficit of $4.3 billion that made

these increases hard. President Bush's budget pays that Pell grant deficit off.

The final chart I would like to show is showing the overall Pell grant funding for the past 10 years. As Members can see, in 1996 Pell grants were funded at $4.9 billion. Under this budget just announced by the President, Pell grants are funded at almost $18 billion. In other words, we have more than tripled funding for Pell grants over the past 10 years.

Members will also note that the amount we spent last year, $12.4 billion, has been increased 45 percent to $18 billion, the largest increase in any domestic program.

As we look to the future, the President's budget indicates that we are going to raise Pell grants by $500 over a 5-year period, and an additional $1,000 will be funded through the Pell Grant Plus Act, legislation I filed, and which President Bush's budget fully funds.

Mr. Speaker, Pell grants are truly the passport out of poverty for so many worthy young people. Not only is increasing Pell grants the right think to do for young people, to help low-income college kids fulfill their American Dream; it is the right thing to do for the Treasury. By investing $13 billion in Pell grants, it helps generate over $85 billion a year in additional revenue because the average college graduate makes 75 percent more than the average high school graduate.

Mr. Speaker, I hope our colleagues on both sides of the aisle will understand and appreciate our efforts to increase funding for Pell grants and will vote ''yes'' on this budget.

ORDER OF BUSINESS

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

REVERSE ROBIN HOOD

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

Ms. CORRINE BROWN of Florida. Mr. Speaker, this budget is another example of reverse Robin Hood, robbing from the veterans, the homeless, public education, public transportation, the poor and the elderly, to give away huge tax breaks to those who contributed to President Bush's reelection campaign.

□ 1930

Let me be clear. This budget is another clear example of reverse Robin Hood: robbing from the veterans, the homeless, public education, public transportation, the poor and the elderly, to give away huge tax breaks to those who contributed to President Bush's reelection campaign.

This administration is cutting the programs that our Nation and its citizens need most, while dissolving the safety nets created to protect the elderly and less fortunate in this wealthy Nation. This budget cuts $500 million in job training at a time when outsourcing has left many Americans without work; slashes hundreds of millions in funding for police and firefighters used to protect local communities from terrorists.

And let me add that since this administration has been in place, we have not funded the COPS program at all.

It doubles drug copayments for veterans as they struggle to get the health care they need. Let me repeat, doubles drug copayments for veterans as they struggle to get the health care that they need. It cuts funding for the Centers for Disease Control and Prevention while we are under the threat of a bioterrorist attack. I do not understand it. Cuts funding to the Low-Income Energy Assistance Program as fuel prices soar.

Now this is a real gimmick here: It zeroes out funding for Amtrak, zeroes out funding for Amtrak, which is the Nation's only mass transportation system. And it totally destroys the Medicaid program, which protects the poor and elderly.

Veterans continue to get the short end of the stick when it comes to this administration. And let me point out, today's veterans are yesterday's soldiers. Those are the people who are fighting to protect this country. They are the ones who are getting the short end of the stick.

The budget raises health care costs for hundreds of thousands of veterans, imposing new copayments on prescription drugs and enrollment fees that will cost veterans hundreds of millions of dollars. As America prepares to welcome a new generation of veterans home from Iraq, it is short-changing health care programs, providing about $2 billion less than veterans' service organizations believe is needed.

And the budget once again fails to repeal the disabled veterans tax, which forces disabled military retirees to give up $1 of their pension for every $1 of disability pay they receive. We owe it to the soldiers, airmen, sailors, and Marines who have served as a source of pride in our Nation to begin enrolling Priority 8 veterans into the VA health care system. However, charging each of them an annual $250 fee and doubling the copayment on prescription drugs for the privilege is unacceptable. These men and women have already paid their deduction in their service protecting this country's freedom. Most of the ''increase'' this administration claims for veterans' medical needs come from these fees.

This budget is completely unrealistic because it leaves out countless items. Once administration initiatives like additional costs for military operations in Iraq; Social Security privatization, which is unacceptable; and permanent tax cuts for the wealthy are included, the Nation's deficit, which is the highest in the history of this country, will spiral even higher. This is an administration that not only does not have a plan to erase the deficit, but by proposing to make their tax cuts permanent, they will push the current deficits to sky-high levels.

This is a terrible budget for the American people. The President's budget is the people's budget, and I will fight to ensure that my constituents' priorities are reflected in this budget.

The current issues concerning Amtrak brings up a fundamental question of where this Nation stands on public Transportation. We have an opportunity to improve a system that serves our need for passenger rail service, or we can let it fall apart, and leave this country's travelers and businesses with absolutely no alternative form of public transportation.

Without the funding Amtrak needs to keep operating, we will soon see people that rely on Amtrak to get them to work each day, waiting for a train that isn't coming.

We continue to subsidize highways and aviation, but when it comes to our passenger rail system, we refuse to provide the money Amtrak needs to survive.

This issue is so much bigger than just transportation. This is about safety and national security. Not only should we be giving Amtrak the money it needs to continue providing service, we should be providing security money to upgrade their tracks and improve safety and security measures in the entire rail system.

Once again we see the Bush Administrations paying for its failed policies by cutting funds to vital public services and jeopardizing more American jobs. This Administration sees nothing wrong with taking money from the hard working Amtrak employees who work day and night to provide top quality service to their passengers. These folks are trying to make a living for their families, and they don't deserve this shabby treatment from the President.

It's time for this Administration to step up to the plate and make a decision about Amtrak based on what's best for the traveling public, not what's best for the right wing of the Republican party and the bean counters at OMB.

I represent Central Florida, which depends on tourism for its economy, and we need people to be able to get to the state to enjoy it. Ever since September 11th, more and more people are turning from the airlines to Amtrak, and they deserve safe and dependable service.

Some people think that the solution to the problem is to privatize the system. If we privatize, we will see the same thing we saw when we deregulated the airline industry. Only the lucrative routes would be maintained, and routes to Rural locations will be expensive and few.

I was in New York shortly after September 11th when the plane leaving JFK airport crash into the Bronx. I, along with many of my colleagues in both the House and Senate took

AMTRAK back to Washington. I realized once again just how important AMTRAK is to the American people, and how important it is for this Nation to have alternative modes of Transportation.

This isn't about fiscal policy, this is about providing a safe and reliable public transportation system that the citizens of this Nation need and deserve.

PUBLICATION OF THE RULES OF THE COMMITTEE ON WAYS AND MEANS, 109TH CONGRESS

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

Mr. THOMAS. Mr. Speaker, in accordance with Clause 2 of Rule XI of the Rules of the House, I respectfully submit the rules of the Committee on Ways and Means for printing in the CONGRESSIONAL RECORD. On February 2, 2005, the Committee on Ways and Means adopted by voice vote, a quorum being present, the following committee rules.

PART I

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 109TH CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

* * * 1.(a)(1)(A) The Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable.

(2)(A) In a committee or subcommittee—

(i) a motion to recess from day to day, or to recess subject to the call of the Chair (within 24 hours), shall be privileged; and

(ii) a motion to dispense with the first reading (in full) of a bill or resolution shall be privileged if printed copies are available.

(B) A motion accorded privilege under this subparagraph shall be decided without debate. * * *

* * * 2.(a)(1) Each standing committee shall adopt written rules governing its procedure.

Such rules—

(A) Shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *.

In accordance with the foregoing, the Committee on Ways and Means, on February 2, 2005, adopted the following as the Rules of the Committee for the 109th Congress.

A. GENERAL

Rule 1. Application of Rules

Except where the terms ''full Committee'' and ''Subcommittee'' are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its Subcommittees as well as to the respective Chairmen.

Rule 2. Meeting Date and Quorums

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. However, the Committee shall not meet on the regularly scheduled meeting day if there is no business to be considered.

A majority of the Committee constitutes a quorum for business; provided however, that two Members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of public hearing, every effort shall be made to secure the presence of at least one Member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution ending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the Chair.

Rule 3. Committee Budget

For each Congress, the Chairman, in consultation with the Majority Members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the Minority Members, the Chairman shall include an amount budgeted by Minority Members. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

Rule 4. Publication of Committee Documents

Any Committee or Subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or Subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the following disclaimer:

Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its Members.

Any such print, document, or other material not officially approved by the Committee or Subcommittee shall not include the names of its Members, other than the name of the full Committee Chairman or Subcommittee Chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to its public release.

The requirements of this rule shall apply only to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

Rule 5. Official Travel

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee Members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any committee staff member in connection with the attendance of hearings conducted by the Committee, its Subcommittees, or any other Committee or Subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;

(2) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) The names of Members and Committee staff seeking authorization.

In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such Subcommittee prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated above.

Withn 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

Rule 6. Availability of Committee Records and Publications

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of Rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

Rule 7. Websites

The minority shall be entitled to a separate website that is linked to and accessible only from the full Committee's website. For any website created under this policy, the Ranking Minority Member is responsible for its content and must be identified on the introductory page.

All Committee websites must comply with House Regulations.

The content of a committee website may not:

(1) Include personal, political, or campaign information.

(2) Be directly linked or refer to websites created or operated by campaign or any campaign related entity, including political parties and campaign committees.

(3) Include grassroots lobbying or solicit support for a Member's position.

(4) Generate, circulate, solicit or encourage signing petitions.

(5) Include any advertisement for any private individual, firm, or corporation, or imply in any manner that the Government endorses or favors any specific commercial product, commodity, or service.

B. SUBCOMMITTEES

Rule 8. Subcommittee Ratios and Jurisdiction

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to Subcommittees under paragraphs 1, 2, 3, 4, 5, or 6 shall be considered by the full Committee and not in Subcommittee. There shall be six standing Subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Health; a Subcommittee on Social Security; a Subcommittee on Human Resources; and a Subcommittee on Select Revenue Measures. The ratio of Republicans to Democrats on any Subcommittee of the Committee shall be consistent with the ratio of Republicans to Democrats on the full Committee.

1. The Subcommittee on Trade shall consist of 15 Members, 9 of whom shall be Republicans and 6 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means that relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the customs revenue functions of the Department of Homeland Security, the U.S. International Trade Commission, and the U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with nonmarket economies.

2. The Subcommittee on Oversight shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other Subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the Chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the Chairman of any other Subcommittee having jurisdiction.

3. The Subcommittee on Health shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means that relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters that relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance Premiums and health care costs.

4. The Subcommittee on Social Security shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means that relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

5. The Subcommittee on Human Resources shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Human Resources shall include bills and matters referred to the Committee on Ways and Means that relate to the public assistance provisions of the Social Security Act including temporary assistance for needy families, child care, child and family services, child support, foster care, adoption supplemental security income social services, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means that relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, and the Federal-State Extended Unemployment Compensation Act of 1970, and provisions relating thereto.

6. The Subcommittee on Select Revenue Measures shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Select Revenue Measures shall consist of those revenue measures that, from time to time, shall be referred to it specifically by the Chairman of the full Committee.

Rule 9. Ex-Officio Members of Subcommittees

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio Members of all Subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a Subcommittee. However, their absence shall not count against the establishment of a quorum by the regular Members of the Subcommittee. Ex-officio Members shall neither vote in the Subcommittee nor be taken into consideration for purposes of determining the ratio of the Subcommittee.

Rule 10. Subcommittee Meetings

Insofar as practicable, meetings of the full Committee and its Subcommittees shall not conflict. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other Subcommittee Chairmen with a view toward avoiding, wherever possible, simultaneous scheduling of full Committee and Subcommittee meetings or hearings.

Rule 11. Reference of Legislation and Subcommittee Reports

Except for bills or measures retained by the Chairman of the full Committee for full Committee consideration, every bill or other measure referred to the Committee shall be referred by the Chairman of the full Committee to the appropriate Subcommittee in a timely manner. A Subcommittee shall, within 3 legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a Subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the Subcommittee that the Subcommittee forthwith report the measure to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the Subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the Subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a Subcommittee shall be considered by the full Committee unless it has been presented to all Members of the full Committee at least 2 legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives.

Rule 12. Recommendation for Appointment of Conferees

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those Committee Members as the Chairman may designate. In making recommendations of Minority Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

Rule 13. Witnesses

In order to assure the most productive use of the limited time available to question

hearing witnesses, a witness who is scheduled to appear before the full Committee or a Subcommittee shall file with the Clerk of the Committee at least 48 hours in advance of his appearance a written statement of his proposed testimony. In addition, all witnesses shall comply with formatting requirements as specified by the Committee and the Rules of the House. Failure to comply with the 48-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. In addition to the requirements of clause 2(g)(4) of Rule XI, of the Rules of the House, regarding information required of public witnesses, a witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the Clerk for distribution to Members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee must include on his statement or submission a list of all clients, persons, or organizations on whose behalf the witness appears. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or Subcommittee involved. Written statements from non-citizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

Rule 14. Questioning of Witnesses

Committee Members may question witnesses only when recognized by the Chairman for that purpose. All Members shall be limited to 5 minutes on the initial round of questioning. In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall be recognized first after which Members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other Members shall be recognized in the order of their appearance at the hearing. In recognizing Members to question witnesses, the Chairman may take into consideration the ratio of Majority Members to Minority Members and the number of Majority and Minority Members present and shall apportion the recognition for questioning in such a manner as not to disadvantage Members of the majority.

Rule 15. Subpoena Power

The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives.

Rule 16. Records of Hearings

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes that substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure that is the subject of the hearing.

Rule 17. Broadcasting of Hearings

The provisions of clause 4(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a Subcommittee:

(1) An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.

(2) No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

(3) Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through an appropriate designee.

(4) Still photography during a Committee meeting will not be permitted to disrupt the proceedings or block the vision of Committee Members or witnesses.

(5) Further conditions may be specified by the Chairman.

D. MARKUPS

Rule 18. Reconsideration of Previous Vote

When an amendment or other matter has been disposed of, it shall be in order for any Member of the prevailing side, on the same or next day on which a quorum of the Committee is present, to move the reconsideration thereof, and such motion shall take precedence over all other questions except the consideration of a motion to adjourn.

Rule 19. Previous Question

The Chairman shall not recognize a Member for the purpose of moving the previous question unless the Member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

Rule 20. Postponement of Proceedings

The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment.

The Chairman may resume proceedings on a postponed request at any time. In exercising postponement authority the Chairman shall take reasonable steps to notify members on the resumption of proceedings on any postponed record vote.

When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

Rule 21. Motion to go to Conference

The Chairman is authorized to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the chairman considers it appropriate.

Rule 22. Official Transcripts of Markups and Other Committee Meetings

An official stenographic transcript shall be kept accurately reflecting all markups and other meetings of the full Committee and the Subcommittees, whether they be open or closed to the public. This official transcript, marked as ''uncorrected,'' shall be available for inspection by the public (except for meetings closed pursuant to clause 2(g)(1) of Rule XI of the Rules of the House), by Members of the House, or by Members of the Committee together with their staffs, during normal business hours in the full Committee or Subcommittee office under such controls as the Chairman of the full Committee deems necessary. Official transcripts shall not be removed from the Committee or Subcommittee office. If, however, (1) in the drafting of a Committee or Subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate committee staff person. Such transcript shall be returned immediately after its review in the drafting session.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, Members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

Rule 23. Publication of Decisions and Legislative Language

A press release describing any tentative or final decision made by the full Committee or a Subcommittee on legislation under consideration shall be made available to each Member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a Subcommittee shall not be publicly released until such draft is made available to each Member of the Committee.

E. STAFF

Rule 24. Supervision of Committee Staff

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 9 of Rule X of the Rules of the House of Representatives concerning Committee expenses and staff.

Pursuant to clause 6(d) of Rule X of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of Committee staff pursuant to primary and additional expense resolutions, shall ensure that each Subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

Rule 25. Staff Honoraria, Speaking Engagements, and Unofficial Travel

This rule shall apply to all majority and minority staff of the Committee and its Subcommittees.

a. Honoraria.—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. Speaking engagements and unofficial travel.—

(1) Advance approval required.— In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff

person must receive approval by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least 7 calendar days prior to the event.

(2) Request for approval.—A request for approval must be submitted in writing to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement, fact-finding trip, or other unofficial travel. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip or international travel, a description of the proposed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip or international travel to the staff member's official duties.

(3) Reasonable travel and lodging expenses.—After receipt of the advance approval in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement, fact-finding trip, or international travel related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event, expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rules of the House of Representatives.

(4) Trip summary and report.—In the case of any reimbursement or direct payment associated with a fact-finding trip or international travel, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (or, in the case of the minority staff, to the Ranking Minority Member).

c. Waiver.—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

ORDER OF BUSINESS

Mr. FLAKE. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

THE REAL ID ACT

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

Mr. FLAKE. Mr. Speaker, the House is scheduled tomorrow to take up the REAL ID Act which, among other things, will prevent illegal immigrants from obtaining driver's licenses. It will require States to issue driver's licenses to foreign nationals that expire no later than their visas expire, and it will expedite the completion of a fence along the U.S.-Mexico border along California.

Last year the bill's author, the gentleman from Wisconsin (Chairman SENSENBRENNER), took a lot of grief for holding up passage on the intelligence reform bill over many of these provisions. The press and others lambasted the gentleman from Wisconsin (Chairman SENSENBRENNER) for holding up an important piece of legislation over what they called ''unrelated immigration provisions.'' I want to commend the chairman for hanging tough.

This debate has, unfortunately, been cast as one that pits those who support the President's temporary worker plan with those who support the provisions in the REAL ID Act. Nothing could be further from the truth.

There is no greater supporter of President Bush's proposals to reform our immigration laws in this body than I am. I believe that a comprehensive temporary worker plan is the best way to enhance national security at the border. Support for a temporary worker plan is consistent with support for the gentleman from Wisconsin's (Chairman SENSENBRENNER) bill. In fact, I voted against the intelligence reform bill last year precisely because the gentleman from Wisconsin's (Chairman SENSENBRENNER) provisions were not included. Further, the provision on driver's licenses in the Sensenbrenner bill largely mirror provisions that I introduced in a bill in 2002.

Critics of the President's immigration reform bill use words like ''unsafe,'' ''insecure,'' and ''dangerous'' when talking about a temporary worker plan. But those of us who advocate such a program are no less concerned about national security than our counterparts. In fact, national security is probably the best case that can be made for a meaningful temporary worker program.

Right now we have somewhere between 8 and 15 million illegal immigrants in this country. The vast majority of these people came here simply to work, but we can be sure that a small number are here with more sinister intentions. But given the number of illegal immigrants who are here in the country, trying to find the terrorists, the drug smugglers, the human traffickers amounts to trying to find a needle in a haystack. But if we can offer a framework under which workers can register to legally come to this country and work, we can drastically reduce the size of that haystack and focus our resources on finding the needles.

Some will say that rather than implementing a temporary worker program, we simply need to enforce the laws against illegal immigration that are on the books. That is all well and good, Mr. Speaker, but enforcing the current law would require that we round up everyone who is here illegally and ship them home. Remember, there are as many as 10 million illegal workers here right now. I have not heard one of my colleague seriously recommend that we round all of them up and send them home, yet that is what enforcing the law means.

That said, it seems to me that we have just two choices. We can put in place a temporary worker program and register those who are working here illegally, or we can continue to pretend they do not exist, thus forcing them to work in the shadows, as they have been doing for years now. The latter course is obviously not in the best interest of our Nation's security.

This brings me back to the debate on tomorrow's REAL ID Act. I suspect that in the debate tomorrow on this House floor, there will be talk about how these measures cut down and crack down on illegal immigration. As important as this legislation is, it will do little to deal with the problem of illegal immigration. These provisions will help red-flag those who are currently in the country illegally, we all remember that many of the hijackers were issued valid driver's licenses that expired long after their visas did, but they will not do much to keep more illegal aliens from coming here and working in the shadows.

There is much more we need to do, Mr. Speaker, and it must start with an honest discussion about how we deal with this country's labor needs as well as our national security needs. I look forward to beginning that discussion as soon as we pass this legislation.

BUDGET PRIORITIES AND MORAL VALUES

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

Mr. BROWN of Ohio. Mr. Speaker, yesterday President Bush delivered to this Congress his proposed Federal budget. In the coming months, Democrats and Republicans in Congress will debate budget proposals largely based on divergent cardinal moral values. We will debate budget cuts that represent more than just program additions or scale-backs.

The President's proposed cuts to vital government programs are reflective of differences in moral core philosophies on the role of our government in serving our people. Budgets are moral documents that reveal fundamental priorities of a person, of a household, of a community, of a business, of a government.

There is no better example of where Democratic and Republican values diverge than on Medicaid. The President claims he only wants to cut programs that are either not getting results or that duplicate current efforts or that do not fulfill essential priorities.

As Democrats, we could not agree more on the need for efficient government. That was how we balanced the budget in the 1990s. But which of those three criteria does the President mean when he talks about Medicaid?

There is no question Medicaid gets results. In spite of what my friends on the other side of the aisle like to demagogue, it operates at a lower cost than private health insurance. Private health insurance has in the last few years grown at 12.7 percent; Medicare has grown at 7.1 percent.

Medicaid costs have grown at only 4.5 percent a year. There is no duplication in Medicaid. It is the only program of its kind. It fullfills an essential priority. It is the sole source of nursing home care for 5 million senior citizens in our country who are living in poverty.

The President knows Medicaid is already running on fumes, but he made a choice. He chose to give more tax cuts to the most affluent 1 percent of Americans rather than provide subsistence care for senior citizens. That is the choice he made, different priorities reflecting a different set of moral values.

Medicaid provides health coverage to 52 million Americans, 1.7 million in my State of Ohio alone. It is the only source of coverage for one out of four Ohio children. It provides 70 percent of nursing home funding in my State of Ohio.

Think about divergent moral values, what we stand for, in our government, in our homes and our families and in our communities. The Bush proposal cuts $60 billion, billion with a ''b'', $60 billion out of Medicaid over the next 10 years. Ask hospitals, ask health care experts, ask senior groups, these cuts will mean kicking seniors out of nursing homes. We have a moral obligation to prevent that from happening.

The President's plan shifts tens of millions of dollars of costs to States, like Ohio, already facing severe financial shortfalls.

The President cannot eliminate basic needs by ignoring them. He cannot eliminate the nursing home care for seniors by ignoring nursing home care or by shifting responsibility to the States which simply cannot afford it. In the short run, his budget cuts will create victims. In the long run, it will force the State to spend more.

And how will that happen? How will the States be able to take care of this? Students will have to pay higher tuition. Homeowners will have to pay higher property tax. Consumers will have to pay higher sales tax. Workers will have to pay higher income tax to make up for the cuts in Medicaid and to make up for the President's huge tax cuts for the wealthiest, most privileged 1 percent.

Medicaid is a partnership between the Federal and State government. Cutting the Federal share hurts our families, hurts our schools, hurts our communities, hurts our States.

We can give up, Mr. Speaker, many things in the name of shared sacrifice, as we should, but common sense should not be one of those things we give up. The President's every-man-for-himself budget neglects our communities and betrays our moral values as a nation.

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from California (Mr. SCHIFF).

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

There was no objection.

SOCIAL SECURITY

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

Ms. KAPTUR. Mr. Speaker, Social Security should remain a guarantee of one's earnings, not a gamble, and surely not a gamble by well-connected investors who might have some political connections.

President Bush and his Republican Party are proposing radical and reckless changes to Social Security. Nothing they have attempted to date, even shifting major portions of the tax burden to the middle class from the most wealthy in our country, are as brazen and audacious as this misguided plan to undermine our Nation's most successful insurance program for retirement and disability, affecting millions and millions of our people who have earned these benefits.

Social Security is security for the majority of the American people. Social Security represents the best, the best, in the American Union. Like the preamble says, ''We the people,'' not I alone withdrawing from the Union.

□ 1945

The Democratic Party has long championed we, the people, surely, to collect those earnings that people need in their retirement years, and one out of six families need in the event of unexpected disability. The system does not work if we make it every man and woman for himself or herself, something the President and his party, unfortunately, now are advocating. It is our patriotic duty as Democrats to oppose this privatization scheme.

The President claims that the country will save money because of privatization. Again, I say he needs a better set of accountants in the White House. What he does not mention is that his plan requires trillions of dollars of borrowing, and I might say, from foreign countries now, because we are not saving as a society, leading to higher taxes in the future and interest that we pay them, not ourselves.

Yes, he is borrowing for a savings plan. What kind of sense does that make? Well, you would really think maybe he never had to think too hard about handling his own finances by the cavalier manner in which he is trying to affect the earnings of the vast majority of the American people. Borrowing $2 trillion to finance so-called private accounts will further increase America's escalating debt. President Bush has already increased the national debt to the point that the currency's value is dropping internationally, and a family of four's share of that debt has increased by thousands of dollars.

In addition, his plan actually cuts benefits in the future, and really those earnings should be the source of any true savings for the Social Security program. This is because he creates an offset, almost like a new downward notch in Social Security, that would cut guaranteed Social Security benefits over the next 75 years by $3.6 trillion. The cut would apply to all beneficiaries, whether or not they have chosen a private account.

And this chart actually shows what happens. The blue represents the benefits that you would get based on your earnings. The red represents what his plan would do. In essence, down the road, every succeeding decade you would actually receive less than in the current Social Security program. These private accounts he is proposing will not even make up for the 46 percent cut in benefits that Republicans have proposed. For example, a 20-year-old who enters the workforce this year, if they can get a good job, would lose $152,000 in Social Security benefits under the Republican plan. A private account is unlikely to make up for this benefit cut because the plan would also take back 80 cents of every dollar in the private account. It is like an offset. It really is not your money. In fact, it appears no one will get back the money that they would put in these private accounts. They would only get back some share of the interest those accounts earn. So you do not get your principal back.

We should not sacrifice the retirement and old age and disability security of our families at the altar of short-term political gains. And surely we should honor our father and our mothers. We should value our children, and we should prepare through an insurance program for the unexpected.

We must keep Social Security strong so it is there for years to come. Believe

me, we need to fight to save a program that truly is sacred. It represents the best values that are in us as a people, and it must continue to be a guarantee and not a gamble.

When I first came to Congress during the 1980s, Claude Pepper, a beautiful Member from Florida, stated some of the following words when we refinanced Social Security in the spring of 1983. He said, ''This is the people's program, intended by President Roosevelt and those who were authors of the measures in those early days as some measure of assurance that those who retired would have a decent sustenance upon which to live, that those who died would have a measure of protection to transmit to their widows and their children, that those who became disabled under another phase of the system would have some support.''

We need to rise to that original vision.

PUBLICATION OF THE RULES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE, 109TH CONGRESS

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

Mr. HOEKSTRA. Mr. Speaker, in accordance with Clause 2 of Rule XI of the Rules of the House, I am submitting the Rules of the Permanent Select Committee on Intelligence for printing in the CONGESSIONAL RECORD. On January 26, 2005, the committee adopted these rules by non-record vote with a quorum present.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

1. MEETING DAY

(a) Regular Meeting Day for the Full Committee.

Generally. The regular meeting day of the Committee for the transaction of Committee business shall be the first Wednesday of each month, unless otherwise directed by the Chairman.

2. NOTICE FOR MEETINGS

(a) Generally. In the case of any meeting of the Committee, the Chief Clerk of the Committee shall provide reasonable notice to every Member of the Committee. Such notice shall provide the time and place of the meeting.

(b) Definition. For purposes of this rule, ''reasonable notice'' means:

(1) written notification;

(2) delivered by facsimile transmission or regular mail, which is

(A) delivered no less than 24 hours prior to the event for which notice is being given, if the event is to be held in Washington, D.C.; or

(B) delivered no less than 48 hours prior to the event for which notice is being given, if the event is to be held outside Washington, D.C.

(c) Exception. In extraordinary circumstances only, the Chairman may, after consulting with the Ranking Minority Member, call a meeting of the Committee without providing notice, as defined in subparagraph (b), to Members of the Committee.

3. PREPARATIONS FOR COMMITTEE MEETINGS

(a) Generally. Designated Committee Staff, as directed by the Chairman, shall brief Members of the Committee at a time sufficiently prior to any Committee meeting in order to:

(1) assist Committee Members in preparation for such meeting; and

(2) determine which matters Members wish considered during any meeting.

(b) Briefing Materials.

(1) Such a briefing shall, at the request of a Member, include a list of all pertinent papers, and such other materials, that have been obtained by the Committee that bear on matters to be considered at the meeting; and

(2) The staff director shall also recommend to the Chairman any testimony, papers, or other materials to be presented to the Committee at the meeting of the Committee.

4. OPEN MEETINGS

(a) Generally.

Pursuant to Rule XI of the House, but subject to the limitations of subsections (b) and (c), Committee meetings held for the transaction of business and Committee hearings shall be open to the public.

(b) Meetings

Any meetings or portion thereof, for the transaction of business, including the markup of legislation, or any hearing or portion thereof, shall be closed to the public, if the Committee determines by record vote in open session with a majority of the Committee present, that disclosure of the matters to be discussed may:

(1) endanger national security;

(2) compromise sensitive law enforcement information;

(3) tend to defame, degrade, or incriminate any person; or

(4) otherwise violate any law or Rule of the House.

(c) Hearings

The Committee may vote to close a Committee hearing pursuant to House Rule X clause 11(d)(2), regardless of whether a majority is present, so long as at least two Members of the Committee are present, one of whom is a member of the Minority and votes upon the motion.

(d) Briefings

The Committee briefings shall be closed to the public.

5. QUORUM

(a) Hearings. For purposes of taking testimony, or receiving evidence, a quorum shall consist of two Committee Members.

(b) Other Committee Proceedings. For purposes of the transaction of all other Committee business, other than the consideration of a motion to close a hearing as described in rule 4(c), a quorum shall consist of a majority of Members.

6. PROCEDURES FOR AMENDMENTS AND VOTES

(a) Amendments

When a bill or resolution is being considered by the Committee, members shall provide the Chief Clerk in a timely manner with a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the Committee.

(b) Reporting Recorded Votes

Whenever the Committee reports any measure or matter by record vote, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of, and the votes cast in opposition to, such measure or matter.

(c) Postponement of Further Proceedings

In accordance with clause 2(h) of House Rule XI, the Chairman is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

7. SUBCOMMITTEES

(a) Generally.

(1) Creation of subcommittees shall be by majority vote of the Committee.

(2) Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct.

(3) Subcommittees shall be governed by these rules.

For purposes of these rules, any reference herein to the ''Committee'' shall be interpreted to include subcommittees, unless otherwise specifically provided.

(b) Establishment of Subcommittees. The Committee establishes the following subcommittees:

(1) Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence;

(2) Subcommittee on Technical and Tactical Intelligence;

(3) Subcommittee on Oversight; and,

(4) Subcommittee on Intelligence Policy.

For purposes of these rules, any reference herein to the ''Committee'' shall be interpreted to include subcommittees, unless otherwise specifically provided.

(c) Subcommittee Membership.

(1) Generally. Each Member of the Committee may be assigned to at least one of the four subcommittees.

(2) Ex Officio Membership. In the event that the Chairman and Ranking Minority Member of the full Committee do not choose to sit as regular voting members of one or more of the subcommittees, each is authorized to sit as an ex officio Member of the subcommittees and participate in the work of the subcommittees. When sitting ex officio, however, they—

(A) shall not have a vote in the subcommittee; and

(B) shall not be counted for purposes of determining a quorum.

(d) Regular Meeting Day for Subcommittees

There is no regular meeting day for subcommittees.

8. PROCEDURES FOR TAKING TESTIMONY OR RECEIVING EVIDENCE

(1) Notice. Adequate notice shall be given to all witnesses appearing before the Committee.

(b) Oath or Affirmation. The Chairman may require testimony of witnesses to be given under oath or affirmation.

(c) Administration of Oath or Affirmation. Upon the determination that a witness shall testify under oath or affirmation, any Member of the Committee designated by the Chairman may administer the oath or affirmation.

(d) Questioning of Witnesses.

(1) Generally. Questioning of witnesses before the Committee shall be conducted by Members of the Committee.

(2) Exceptions.

(A) The Chairman, in consultation with the Ranking Minority Member, may determine that Committee Staff will be authorized to question witnesses at a hearing in accordance with clause (2)(j) of House Rule XI.

(B) The Chairman and Ranking Minority Member are each authorized to designate Committee Staff to conduct such questioning.

(e) Counsel for the Witness.

(1) Generally. Witnesses before the Committee may be accompanied by counsel, subject to the requirements of paragraph (2).

(2) Counsel Clearances Required. In the event that a meeting of the Committee has been closed because the subject to be discussed deals with classified information, counsel accompanying a witness before the Committee must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present.

(3) Failure to Obtain Counsel. Any witness who is unable to obtain counsel should notify the Committee. If such notification occurs at least 24 hours prior to the witness' appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel, however, will not excuse the witness from appearing and testifying.

(4) Conduct of Counsel for Witnesses. Counsel for witnesses appearing before the Committee shall conduct themselves ethically and professionally at all times in their dealings with the Committee.

(A) A majority of Members of the Committee may, should circumstances warrant, find that counsel for a witness before the Committee failed to conduct himself or herself in an ethical or professional manner.

(B) Upon such finding, counsel may be subject to appropriate disciplinary action.

(5) Temporary Removal of Counsel. The Chairman may remove counsel during any proceeding before the Committee for failure to act in an ethical and professional manner.

(6) Committee Reversal. A majority of the Members of the Committee may vote to overturn the decision of the Chairman to remove counsel for a witness.

(7) Role of Counsel for Witness.

(A) Counsel for a witness:

(i) shall not be allowed to examine witnesses before the Committee, either directly or through cross-examination; but

(ii) may submit questions in writing to the Committee that counsel wishes propounded to a witness; or

(iii) may suggest, in writing to the Committee, the presentation of other evidence or the calling of other witnesses.

(B) The Committee may make such use of any such questions, or suggestions, as the Committee deems appropriate.

(f) Statements by Witnesses.

(1) Generally. A witness may make a statement, which shall be brief and relevant, at the beginning and at the conclusion of the witness' testimony.

(2) Length. Each such statements shall not exceed five minutes in length, unless otherwise determined by the Chairman.

(3) Submission to the Committee. Any witness desiring to submit a written statement for the record of the proceeding shall submit a copy of the statement to the Chief Clerk of the Committee.

(A) Such statements shall ordinarily be submitted no less than 48 hours in advance of the witness' appearance before the Committee and shall be submitted in written and electronic format.

(B) In the event that the hearing was called with less than 24 hours notice, written statements should be submitted as soon as practicable prior to the hearing.

(g) Objections and Ruling.

(1) Generally. Any objection raised by a witness, or counsel for the witness, shall be ruled upon by the Chairman, and such ruling shall be the ruling of the Committee.

(2) Committee Action. A ruling by the Chairman may be overturned upon a majority vote of the Committee.

(h) Transcripts.

(1) Transcript Required. A transcript shall be made of the testimony of each witness appearing before the Committee during any hearing of the Committee.

(2) Opportunity to Inspect. Any witness testifying before the Committee shall be given a reasonable opportunity to inspect the transcript of the hearing, and may be accompanied by counsel to determine whether such testimony was correctly transcribed. Such counsel:

(A) shall have the appropriate clearance necessary to review any classified aspect of the transcript; and

(B) should, to the extent possible, be the same counsel that was present for such classified testimony.

(3) Corrections.

(A) Pursuant to Rule XI of the House Rules, any corrections the witness desires to make in a transcript shall be limited to technical, grammatical, and typographical corrections.

(B) Corrections may not be made to change the substance of the Testimony.

(C) Such corrections shall be submitted in writing to the Committee within 7 days after the transcript is made available to the witnesses.

(D) Any questions arising with respect to such corrections shall be decided by the Chairman.

(4) Copy for the Witness. At the request of the witness, any portion of the witness' testimony given in executive session shall be made available to that witness if that testimony is subsequently quote or intended to be made part of a public record. Such testimony shall be made available to the witness at the witness' expense.

(i) Requests to Testify.

(1) Generally. The Committee will consider requests to testify on any matter or measure pending before the Committee.

(2) Recommendations for Additional Evidence. Any person who believes that testimony, other evidence, or commentary, presented at a public hearing may tend to affect adversely that person's reputation may submit to the Committee, in writing:

(A) a request to appear personally before the Committee;

(B) A sworn statement of facts relevant to the testimony, evidence, or commentary; or

(C) proposed questions for the cross-examination of other witnesses.

(3) Committees Discretion. The Committee may take those actions it deems appropriate with respect to such requests.

(j) Contempt Procedures. Citations for contempt of Congress shall be forwarded to the House only if:

(1) reasonable notice is provided to all Members of the Committee of a meeting to be held to consider any such contempt recommendations;

(2) the Committee has met and considered the contempt allegations;

(3) The subject of the allegations was afforded an opportunity to state either in writing or in person, why he or she should not be held in contempt; and

(4) the Committee agreed by majority vote to forward the citation recommendations to the House.

(k) Release of Name of Witness.

(1) Generally. At the request of a witness scheduled to be heard by the Committee, the name of that witness shall not be released publicly prior to, or after, the witness' appearance before the Committee.

(2) Exceptions. Notwithstanding paragraph (1), the chairman may authorize the release to the public of the name of any witness scheduled to appear before the Committee.

9. INVESTIGATIONS

(a) Commencing Investigations.

The Committee shall conduct investigations only if approved by the Chairman, in consultation with the Ranking Minority Member.

(b) Conducting Investigation.

An authorized investigation may be conducted by Members of the Committee or Committee Staff members designated by the Chairman, in consultation with the Ranking Minority Member, to undertake any such investigation.

10. SUBPOENAS

(a) Generally. All subpoenas shall be authorized by the Chairman of the full Committee, upon consultation with the Ranking Minority member, or by vote of the Committee.

(b) Subpoena Contents. Any subpoena authorized by the Chairman of the full Committee, or the Committee, may compel:

(1) the attendance of witnesses and testimony before the Committee, or

(2) the production of memoranda, documents, records, or any other tangible item.

(c) Signing of Subpoena. A subpoena authorized by the Chairman of the full Committee, or the Committee, may be signed by the Chairman, or by any Member of the Committee designated to do so by the Committee.

(d) Subpoena Service. A subpoena authorized by the Chairman of the full Committee, or the Committee, may be served by any person designated to do so by the Chairman.

(e) Other Requirements. Each subpoena shall have attached thereto a copy of these rules.

11. COMMITTEE STAFF

(a) Definition.

For the purpose of these rules, ''Committee Staff' or ''staff of the Committee'' means:

1) employees of the Committee;

2) consultants to the Committee;

3) employees of other Government agencies detailed to the Committee; or

4) any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee.

(b) Appointment of Committee Staff and Security Requirements.

(1) Chairman's Authority—Except as provided in paragraph (2), the Committee staff shall be appointed, and may be removed, by the Chairman and shall work under the general supervision and direction of the Chairman.

(2) Staff Assistance to Minority Membership—Except as provided in paragraphs (3) and (4) and except as otherwise provided by Committee Rules, the Committee staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) Security Clearance Required—All offers of employment for prospective Committee Staff positions shall be contingent upon:

a. the results of a background investigation; and

b. a determination by the Chairman that requirements for the appropriate security clearances have been met.

(4) Security Requirements—Notwithstanding paragraph (2), the Chairman shall supervise and direct the Committee staff with respect to the security and nondisclosure of classified information. Committee Staff shall comply with requirements necessary to ensure the security and nondisclosure of classified information as determined by the Chairman in consultation with the ranking minority member.

12. LIMIT ON DISCUSSION OF CLASSIFIED WORK OF THE COMMITTEE

(a) Prohibition.

(1) Generally. Except as otherwise provided by these rules and the Rules of the House of Representatives, Members and Committee staff shall not at any time, either during that person's tenure as a Member of the Committee or as Committee Staff, or anytime thereafter, discuss or disclose, or cause to be discussed or disclosed:

(A) the classified substance of the work of the Committee;

(B) any information received by the Committee in executive session;

(C) any classified information received by the Committee from any source; or

(D) the substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House.

(2) Non-Disclosure in Proceedings.

(A) Members of the Committee and the Committee Staff shall not discuss either the substance or procedure of the work of the Committee with any person not a Member of the Committee or the Committee Staff in connection with any proceeding, judicial or otherwise, either during the person's tenure as a Member of the Committee, or of the Committee Staff, or at any time thereafter, except as directed by the Committee in accordance with the Rules of the House and these rules.

(B) In the event of the termination of the Committee, Members and Committee Staff shall be governed in these matters in a manner determined by the House concerning discussions of the classified work of the Committee.

(3) Exceptions.

(A) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss and disclose those matters described in subsection (a)(1) with—

(i) Members and staff of the Senate Select Committee on Intelligence designated by the chairman of that committee;

(ii) the chairmen and ranking minority members of the House and Senate Committees on Appropriations and staff of those committees designated by the chairmen of those committees; and

(iii) the chairman and ranking minority member of the Subcommittee on Defense of the House Committee on Appropriations and staff of that subcommittee as designated by the chairman of that subcommittee.

(B) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee Staff may discuss and disclose only that budget-related information necessary to facilitate the enactment of the annual defense authorization bill with the chairmen and ranking minority members of the House and Senate Committees on Armed Services and the staff of those committees designated by the chairmen of those committees.

(C) Notwithstanding the provisions of subsection (a)(1), Members of the Committee and the Committee staff may discuss with and disclose to the chairman and ranking minority member of a subcommittee of the House Appropriations Committee with jurisdiction over an agency or program within the National Foreign Intelligence Program (NFIP), and staff of that subcommittee as designated by the chairman of that subcommittee, only that budget-related information necessary to facilitate the enactment of an appropriations bill within which is included an appropriation for an agency or program within the NFIP.

(D) The Chairman may, in consultation with the Ranking Minority Member, upon the written request to the Chairman from the Inspector General of an element of the Intelligence Community, grant access to Committee transcripts or documents that are relevant to an investigation of an allegation of possible false testimony or other inappropriate conduct before the Committee, or that are otherwise relevant to the Inspector General's investigation.

(E) Upon the written request of the head of an Intelligence Community element, the Chairman may, in consultation with the Ranking Minority Member, make available Committee briefing or hearing transcripts to that element for review by that element if a representative of that element testified, presented information to the Committee, or was present at the briefing or hearing the transcript of which is requested for review.

(F) Members and Committee Staff may discuss and disclose such matters as otherwise directed by the Committee.

(b) Non-Disclosure Agreement.

(1) Generally. All Committee Staff must, before joining the Committee, agree in writing, as a condition of employment, not to divulge or cause to be divulged any classified information which comes into such person's possession while a member of the Committee Staff, to any person not a Member of the Committee or the Committee Staff, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(2) Other Requirements. In the event of the termination of the Committee, Members and Committee Staff must follow any determination by the House of Representatives with respect to the protection of classified information received while a Member of the Committee or as Committee Staff.

(3) Requests for Testimony of Staff.

(A) All Committee Staff must, as a condition of employment agree in writing to notify the Committee immediately of any request for testimony received while a member of the Committee Staff, or at any time thereafter, concerning any classified information received by such person while a member of the Committee Staff.

(B) Committee Staff shall not disclose, in response to any such request for testimony, any such classified information, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(C) In the event of the termination of the Committee, Committee Staff will be subject to any determination made by the House of Representatives with respect to any requests for testimony involving classified information received while a member of the Committee Staff.

13. CLASSIFIED MATERIAL

(a) Receipt of Classified Information.

(1) Generally. In the case of any information that has been classified under established security procedures and submitted to the Committee by any source, the Committee shall receive such classified information as executive session material.

(2) Staff Receipt of Classified Materials. For purposes of receiving classified information, the Committee Staff is authorized to accept information on behalf of the Committee.

(b) Non-Disclosure of Classified Information.

Generally. Any classified information received by the Committee, from any source, shall not be disclosed to any person not a Member of the Committee or the Committee Staff, or otherwise released, except as authorized by the Committee in accord with the Rules of the House and these rules.

14. PROCEDURES RELATED TO HANDLING OF CLASSIFIED INFORMATION

(a) Security Measures.

(1) Strict Security. The Committee's offices shall operate under strict security procedures administered by the Director of Security and Registry of the Committee under the direct supervision of the staff director.

(2) U.S. Capitol Police Presence Required. At least one U.S. Capitol Police officer shall be on duty at all times outside the entrance to Committee offices to control entry of all persons to such offices.

(3) Identification Required. Before entering the Committee's offices all persons shall identify themselves to the U.S. Capitol Police officer described in paragraph (2) and to a Member of the Committee or Committee Staff.

(4) Maintenance of Classified Materials. Classified documents shall be segregated and maintained in approved security storage locations.

(5) Examination of Classified Materials. Classified documents in the Committee's possession shall be examined in an appropriately secure manner.

(6) Prohibition on Removal of Classified Materials. Removal of any classified document from the Committee's offices is strictly prohibited, except as provided by these rules.

(7) Exception. Notwithstanding the prohibition set forth in paragraph (6), a classified document, or copy thereof, may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handling of any classified documents removed from the Committee's offices.

(b) Access to Classified Information by Member. All Members of the Committee shall at all times have access to all classified papers and other material received by the Committee from any source.

(c) Need-to-know.

(1) Generally. Committee Staff shall have access to any classified information provided to the Committee on a strict ''need-to-know'' basis, as determined by the Committee, and under the Committee's direction by the staff director.

(2) Appropriate Clearances Required. Committee Staff must have the appropriate clearances prior to any access to compartmented information.

(d) Oath.

(1) Requirement. Before any Member of the Committee, or the Committee Staff, shall have access to classified information, the following oath shall be executed:

''I do solemnly swear (or affirm) that I will not disclose or cause to be disclosed any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the Committee or the House of Representatives.''

(2) Copy. A copy of such executed oath shall be retained in the files of the Committee.

(e) Registry.

(1) Generally. The Committee shall maintain a registry that:

(A) provides a brief description of the content of all classified documents provided to the Committee by the executive branch that remain in the possession of the Committee; and

(B) lists by number all such documents.

(2) Designation by the Staff Director. The staff director shall designate a member of the Committee Staff to be responsible for the organization and daily maintenance of such registry.

(3) Availability. Such registry shall be available to all Members of the Committee and Committee Staff.

(f) Requests by Members of Other Committees. Pursuant to the Rules of the House, Members who are not Members of the Committee may be granted access to such classified transcripts, records, data, charts, or files of the Committee, and be admitted on a non-participatory basis to classified hearings of the Committee involving discussions of classified material in the following manner:

(1) Written Notification Required. Members who desire to examine classified materials in the possession of the Committee, or to attend Committee hearings or briefings on a non-participatory basis, must notify the Chief Clerk of the Committee in writing.

(2) Committee Consideration. The Committee shall consider each such request by non-Committee Members at the earliest practicable opportunity. The Committee shall determine, by roll call vote, what action it deems appropriate in light of all of the circumstances of each request. In its determination, the Committee shall consider:

(A) the sensitivity to the national defense or the confidential conduct of the foreign relations of the United States of the information sought;

(B) the likelihood of its being directly or indirectly disclosed;

(C) the jurisdictional interest of the Member making the request; and

(D) such other concerns, constitutional or otherwise, as may affect the public interest of the United States.

(3) Committee Action. After consideration of the Member's request, the Committee may take any action it may deem appropriate under the circumstances, including but not limited to:

(A) approving the request, in whole or part;

(B) denying the request; or

(C) providing the requested information or material in a different form than that sought by the Member.

(4) Requirements for Access by Non-Committee Members. Prior to a non-Committee Member being given access to classified information pursuant to this subsection, the requesting Member shall—

(A) provide the Committee a copy of the oath executed by such Member pursuant to House Rule XXIII, clause 13; and

(B) agree in writing not to divulge any classified information provided to the Member pursuant to this subsection to any person not a Member of the Committee or the Committee Staff, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(5) Consultation Authorized. When considering a Member's request, the Committee may consult the Director of National Intelligence and such other officials it considers necessary.

(6) Finality of Committee Decision.

(A) Should the Member making such a request disagree with the Committee's determination with respect to that request, or any part thereof, that Member must notify the Committee in writing of such disagreement.

(B) The Committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, the Committee will take.

(g) Advising the House or Other Committees. Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413), and to the Rules of the House, the Committee shall call to the attention of the House, or to any other appropriate committee of the House, those matters requiring the attention of the House, or such other committee, on the basis of the following provisions:

(1) By Request of Committee Member. At the request of any Member of the Committee to call to the attention of the House, or any other committee, executive session material in the Committee's possession, the Committee shall meet at the earliest practicable opportunity to consider that request.

(2) Committee Consideration of Request. The Committee shall consider the following factors, among any others it deems appropriate:

(A) the effect of the matter in question on the national defense or the foreign relations of the United States;

(B) whether the matter in question involves sensitive intelligence sources and methods;

(C) whether the matter in question otherwise raises questions affecting the national interest; and

(D) whether the matter in question affects matters within the jurisdiction of another Committee of the House.

(3) Views of Other Committees. In examining such factors, the Committee may seek the opinion of Members of the Committee appointed from standing committees of the House with jurisdiction over the matter in question, or submissions from such other committees.

(4) Other Advice. The Committee may, during its deliberations on such requests, seek the advice of any executive branch official.

(h) Reasonable Opportunity to Examine Materials. Before the Committee makes any decision regarding any request for access to any classified information in its possession, or a proposal to bring any matter to the attention of the House or another committee, Members of the Committee shall have a reasonable opportunity to examine all pertinent testimony, documents, or other materials in the Committee's possession that may inform their decision on the question.

(i) Notification to the House. The Committee may bring a matter to the attention of the House when, after consideration of the factors set forth in this rule, it considers the matter in question so grave that it requires the attention of all Members of the House, and time is of the essence, or for any reason the Committee finds compelling.

(j) Method of Disclosure to the House.

(1) Should the Committee decide by roll call vote that a matter requires the attention of the House as described in subsection (i), it shall make arrangements to notify the House promptly.

(2) In such cases, the Committee shall consider whether:

(A) to request an immediate secret session of the House (with time equally divided between the Majority and the Minority); or

(B) to publicly disclose the matter in question pursuant to clause 11(g) of House Rule X.

(k) Requirement to Protect Sources and Methods. In bringing a matter to the attention of the House, or another committee, the Committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(l) Availability of Information to Other Committees. The Committee, having determined that a matter shall be brought to the attention of another committee, shall ensure that such matter, including all classified information related to that matter, is promptly made available to the chairman and ranking minority member of such other committee.

(m) Provision of Materials. The Director of Security and Registry for the Committee shall provide a copy of these rules, and the applicable portions of the Rules of the House of Representatives governing the handling of classified information, along with those materials determined by the Committee to be made available to such other committee of the House or Member (not a Member of the Committee).

(n) Ensuring Clearances and Secure Storage. The Director of Security and Registry shall ensure that such other committee or Member (not a Member of the Committee) receiving such classified materials may properly store classified materials in a manner consistent with all governing rules, regulations, policies, procedures, and statutes.

(o) Log. The Director of Security and Registry for the Committee shall maintain a written record identifying the particular classified document or material provided to such other committee or Member (not a Member of the Committee), the reasons agreed upon by the Committee for approving such transmission, and the name of the committee or Member (not a Member of the Committee) receiving such document or material.

(p) Miscellaneous Requirements.

(1) Staff Director's Additional Authority. The staff director is further empowered to provide for such additional measures, which he or she deems necessary, to protect such classified information authorized by the Committee to be provided to such other committee or Member (not a Member of the Committee).

(2) Notice to Originating Agency. In the event that the Committee authorizes the disclosure of classified information provided to the Committee by an agency of the executive branch to a Member (not a Member of the Committee) or to another committee, the Chairman may notify the providing agency of the Committee's action prior to the transmission of such classified information.

15. LEGISLATIVE CALENDAR

(a) Generally. The Chief Clerk, under the direction of the staff director, shall maintain a printed calendar that lists:

(1) the legislative measures introduced and referred to the Committee;

(2) the status of such measures; and

(3) such other matters that the Committee may require.

(b) Revisions to the Calendar. The calendar shall be revised from time to time to show pertinent changes.

(c) Availability. A copy of each such revision shall be furnished to each Member, upon request.

(d) Consultation with Appropriate Government Entities. Unless otherwise directed by the Committee, legislative measures referred to the Committee may be referred by the Chief Clerk to the appropriate department or

agency of the Government for reports thereon.

16. MOTIONS TO GO TO CONFERENCE

In accordance with clause 2(a) of House Rule XI, the Chairman is authorized and directed to offer a privileged motion to go to conference under clause 1 of House Rule XXII whenever the Chairman considers it appropriate.

17. COMMITTEE TRAVEL

(a) Authority. The Chairman may authorize Members and Committee Staff to travel on Committee business.

(b) Requests.

(1) Member Requests. Members requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request directly to the Chairman.

(2) Committee Staff Requests. Committee Staff requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request through their supervisors to the staff director and the Chairman.

(c) Notification to Members.

(1) Generally. Members shall be notified of all foreign travel of Committee Staff not accompanying a Member.

(2) Content. All Members are to be advised, prior to the commencement of such travel, of its length, nature, and purpose.

(d) Trip Reports.

(1) Generally. A full report of all issues discussed during any travel shall be submitted to the Chief Clerk of the Committee within a reasonable period of time following the completion of such trip.

(2) Availability of Reports. Such report shall be:

(A) available for the review of any Member or Committee Staff; and

(B) considered executive session material for purposes of these rules.

(e) Limitations on Travel.

(1) Generally. The Chairman is not authorized to permit travel on Committee business of Committee Staff who have not satisfied the requirements of subsection (d) of this rule.

(2) Exception. The Chairman may authorize Committee Staff to travel on Committee business, notwithstanding the requirements of subsections (d) and (e) of this rule—

(A) at the specific request of a Member of the Committee; or

(B) in the event there are circumstances beyond the control of the Committee Staff hindering compliance with such requirements.

(f) Definitions. For purposes of this rule the term ''reasonable period of time'' means:

(1) no later than 60 days after returning from a foreign trip; and

(2) no later than 30 days after returning from a domestic trip.

18. DISCIPLINARY ACTIONS

(a) Generally. The Committee shall immediately consider whether disciplinary action shall be taken in the case of any member of the Committee Staff alleged to have failed to conform to any rule of the House of Representatives or to these rules.

(b) Exception. In the event the House of Representatives is:

(1) in a recess period in excess of 3 days; or

(2) has adjourned sine die; the Chairman of the full Committee, in consultation with the Ranking Minority Member, may take such immediate disciplinary actions deemed necessary.

(c) Available Actions. Such disciplinary action may include immediate dismissal from the Committee Staff.

(d) Notice to Members. All Members shall be notified as soon as practicable, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chairman pursuant to subsection (b).

(e) Reconsideration of Chairman's Actions. A majority of the Members of the full Committee may vote to overturn the decision of the Chairman to take disciplinary action pursuant to subsection (b).

19. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, a majority of the Committee may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

20. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

(a) Generally. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with the Rules of the House of Representatives.

(b) Notice of Withholding. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the full Committee for a determination of the question of public availability on the written request of any Member of the Committee.

21. CHANGES IN RULES

(a) Generally. These rules may be modified, amended, or repealed by vote of the full Committee.

(b) Notice of Proposed Changes. A notice, in writing, of the proposed change shall be given to each Member at least 48 hours prior to any meeting at which action on the proposed rule change is to be taken.

PUBLICATION OF THE RULES OF THE COMMITTEE ON RESOURCES, 109TH CONGRESS

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

Mr. POMBO. Mr. Speaker, I request that the attached Committee Rules, adopted by the Committee on Resources, be submitted for the RECORD.

RULE 1. RULES OF THE HOUSE; VICE CHAIRMEN

(a) Applicability of House Rules.

(1) The Rules of the House of Representatives, so far as they are applicable, are the rules of the Committee and its Subcommittees.

(2) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee. References in these rules to ''Committee'' and ''Chairman'' shall apply to each Subcommittee and its Chairman wherever applicable.

(3) House Rule XI is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Vice Chairmen.—Unless inconsistent with other rules, the Chairman shall appoint a Vice Chairman of the Committee and the Subcommittee Chairmen will appoint Vice Chairmen of each of the Subcommittees. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, as the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the Committee or Subcommittee who is present shall preside at that meeting.

RULE 2. MEETINGS IN GENERAL

(a) Scheduled Meetings.—The Committee shall meet at 10 a.m. every Wednesday when the House is in session, unless canceled by the Chairman. The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee. Special meetings shall be called and convened by the Chairman as provided in clause 2(c)(I) of House Rule XI. Any Committee meeting or hearing that conflicts with a party caucus, conference, or similar party meeting shall be rescheduled at the discretion of the Chairman, in consultation with the Ranking Minority Member. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(b) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, except as provided by clause 2(g) and clause 2(k) of House Rule XI.

(c) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI. The provisions of clause 4(f) of House Rule XI are specifically made part of these rules by reference. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of House Rule XI and all other applicable rules of the Committee and the House.

(d) Oversight Plan.—No later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of House Rule X.

RULE 3. PROCEDURES IN GENERAL

(a) Agenda of Meetings; Information for Members.—An agenda of the business to be considered at meetings shall be delivered to the office of each Member of the Committee no later than 48 hours before the meeting. This requirement may be waived by a majority vote of the Committee at the time of the consideration of the measure or matter. To the extent practicable, a summary of the major provisions of any bill being considered by the Committee, including the need for the bill and its effect on current law, will be available for the Members of the Committee no later than 48 hours before the meeting.

(b) Meetings and Hearings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time stipulated in the public announcement of the meeting or hearing.

(c) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except as provided in Committee rule 4(g). A Member shall limit his remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(d) Quorums.

(1) A majority of the Members shall constitute a quorum for the reporting of any measure or recommendation, the authorizing of a subpoena, the closing of any meeting or hearing to the public under clause 2(g)(1), clause 2(g)(2)(A) and clause 2(k)(5)(B) of House Rule XI, and the releasing of executive session materials under clause 2(k)(7) of House Rule X. Testimony and evidence may be received at any hearing at which there are at least two Members of the Committee present. For the purpose of transacting all other business of the Committee, one third of the Members shall constitute a quorum.

(2) When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be notified and the Members shall have not less than 15 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Chief Clerk to note the names of all Members present within the 15-minute period.

(e) Participation of Members in Committee and Subcommittees.—All Members of the Committee may sit with any Subcommittee during any hearing, and by unanimous consent of the Members of the Subcommittee may participate in any meeting or hearing. However, a Member who is not a Member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum or raise points of order.

(f) Proxies.—No vote in the Committee or its Subcommittees may be cast by proxy.

(g) Record Votes.—Record votes shall be ordered on the demand of one-fifth of the Members present, or by any Member in the apparent absence of a quorum.

(h) Postponed Record Votes.

(1) Subject to paragraph (2), the Chairman may, after consultation with the Ranking Minority Member, postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman shall resume proceedings on a postponed request at any time after reasonable notice, but no later than the next meeting day.

(2) Notwithstanding any intervening order for the previous question, when proceedings resume on a postponed question under paragraph (1), an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(3) This rule shall apply to Subcommittee proceedings.

(i) Privileged Motions.—A motion to recess from day to day, a motion to recess subject to the call of the Chairman (within 24 hours), and a motion to dispense with the first reading (in full) of a bill or resolution if printed copies are available, are nondebatable motions of high privilege.

(j) Layover and Copy of Bill.—No measure or recommendation reported by a Subcommittee shall be considered by the Committee until two calendar days from the time of Subcommittee action. No bill shall be considered by the Committee unless a copy has been delivered to the office of each Member of the Committee requesting a copy. These requirements may be waived by a majority vote of the Committee at the time of consideration of the measure or recommendation.

(k) Access to Dais and Conference Room.—Access to the hearing rooms' daises [and to the conference rooms adjacent to the Committee hearing rooms] shall be limited to Members of Congress and employees of the Committee during a meeting of the Committee, except that Committee Members' personal staff may be present on the daises if their employing Member is the author of a bill or amendment under consideration by the Committee, but only during the time that the bill or amendment is under active consideration by the Committee. Access to the conference rooms adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting of the Committee.

(l) Cellular Telephones.—The use of cellular telephones is prohibited on the Committee dais or in the Committee hearing rooms during a meeting of the Committee.

(m) Motion to go to Conference with the Senate. The Chairman may offer a motion under clause 1 of Rule XXII whenever the Chairman considers it appropriate.

RULE 4. HEARING PROCEDURES

(a) Announcement.—The Chairman shall publicly announce the date, place, and subject matter of any hearing at least one week before the hearing unless the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote. In these cases, the Chairman shall publicly announce the hearing at the earliest possible date. The Chief Clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information on the Committee's web site as soon as possible after the public announcement is made.

(b) Written Statement; Oral Testimony.—Each witness who is to appear before the Committee or a Subcommittee shall file with the Chief Clerk of the Committee or Subcommittee Clerk, at least two working days before the day of his or her appearance, a written statement of proposed testimony. Failure to comply with this requirement may result in the exclusion of the written testimony from the hearing record and/or the barring of an oral presentation of the testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in consultation with the Ranking Minority Member, extends this time period. In addition, all witnesses shall be required to submit with their testimony a resume or other statement describing their education, employment, professional affiliations and other background information pertinent to their testimony.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Information for Members.—After announcement of a hearing, the Committee shall make available as soon as practicable to all Members of the Committee a tentative witness list and to the extent practicable a memorandum explaining the subject matter of the hearing (including relevant legislative reports and other necessary material). In addition, the Chairman shall make available to the Members of the Committee any official reports from departments and agencies on the subject matter as they are received.

(e) Subpoenas.—The Committee or a Subcommittee may authorize and issue a subpoena under clause 2(m) of House Rule XI if authorized by a majority of the Members voting. In addition, the Chairman of the Committee may authorize and issue subpoenas during any period of time in which the House of Representatives has adjourned for more than three days. Subpoenas shall be signed only by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.

(l) Oaths.—The Chairman of the Committee or any Member designated by the Chairman may administer oaths to any witness before the Committee. All witnesses appearing in hearings may be administered the following oath by the Chairman or his designee prior to receiving the testimony: ''Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?''.

(g) Opening Statements; Questioning of Witnesses.

(1) Opening statements by Members may not be presented orally, unless the Chairman or his designee makes a statement, in which case the Ranking Minority Member or his designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee is a constituent of a Member of the Committee, that Member shall be entitled to introduce the witness at the hearing.

(2) The questioning of witnesses in Committee and Subcommittee hearings shall be initiated by the Chairman, followed by the Ranking Minority Member and all other Members alternating between the Majority and Minority parties. In recognizing Members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or the Members of the Minority. A motion is in order to allow designated Majority and Minority party Members to question a witness for a specified period to be equally divided between the Majority and Minority parties. This period shall not exceed one hour in the aggregate.

(h) Materials for Hearing Record.—Any materials submitted specifically for inclusion in the hearing record must address the announced subject matter of the hearing and be submitted to the relevant Subcommittee Clerk or Chief Clerk no later than 10 business days following the last day of the hearing.

(i) Claims of Privilege.—Claims of common-law privileges made by witnesses in hearings, or by interviewees or deponents in investigations or inquiries, are applicable only at the discretion of the Chairman, subject to appeal to the Committee.

RULE 5. FILING OF COMMITTEE REPORTS

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to secure its passage without any additional authority needed to be set forth in the motion to report each individual measure. In appropriate cases, the authority set forth in this rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole

House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure that is substantially the same as the House measure as reported.

(b) Filing.—A report on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House of Representatives is not in session) after the day on which there has been filed with the Committee Chief Clerk a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing with the Committee Chief Clerk of this request, the Chief Clerk shall transmit immediately to the Chairman notice of the filing of that request.

(c) Supplemental, Additional or Minority Views.—Any Member may, if notice is given at the time a bill or resolution is approved by the Committee, file supplemental, additional, or minority views. These views must be in writing and signed by each Member joining therein and be filed with the Committee Chief Clerk not less than two additional calendar days (excluding Saturdays, Sundays and legal holidays except when the House is in session on those days) of the time the bill or resolution is approved by the Committee. This paragraph shall not preclude the filing of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(d) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed Committee report before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (c).

(e) Disclaimer.—All Committee or Subcommittee reports printed and not approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report: ''This report has not been officially adopted by the {Committee on Resources} {Subcommittee} and may not therefore necessarily reflect the views of its Members.''.

RULE 6. ESTABLISHMENT OF SUBCOMMITTEES; FULL COMMITTEE JURISDICTION; BILL REFERRALS

(a) Subcommittees.—There shall be five standing Subcommittees of the Committee:

(1) Subcommittee on Energy and Mineral Resources;

(2) Subcommittee on Fisheries and Oceans;

(3) Subcommittee on Forests and Forest Health;

(4) Subcommittee on National Parks; and

(5) Subcommittee on Water and Power.

(b) Full Committee.—The Full Committee shall have the following jurisdiction and responsibilities:

(1) Environmental and habitat measures and matters of general applicability.

(2) Measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

(3) All matters regarding the relations of the United States with Native Americans and Native American tribes, including special oversight functions under Rule X of the Rules of the House of Representatives.

(4) All matters regarding Native Alaskans and Native Hawaiians.

(5) All matters related to the Federal trust responsibility to Native Americans and the sovereignty of Native Americans.

(6) All matters regarding insular areas of the United States.

(7) All measures or matters regarding the Freely Associated States and Antarctica.

(8) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Full Committee under this paragraph.

(9) All measures and matters retained by the Full Committee under Committee rule 6(e).

(10) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Committee under House Rule X.

(c) Ex-officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each standing Subcommittee to which the Chairman or the Ranking Minority Member have not been assigned. Ex-officio Members shall have the right to fully participate in Subcommittee activities but may not vote and may not be counted in establishing a quorum.

(d) Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee on all matters within its jurisdiction. Each Subcommittee shall review and study, on a continuing basis, the application, administration, execution and effectiveness of those statutes, or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress. Each Subcommittee shall review and study any conditions or circumstances indicating the need of enacting new or supplemental legislation within the jurisdiction of the Subcommittee. Each Subcommittee shall have general and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(e) Referral to Subcommittees; Recall.

(1) Except as provided in paragraph (2) and for those matters within the jurisdiction of the Full Committee, every legislative measure or other matter referred to the Committee shall be referred to the Subcommittee of jurisdiction within two weeks of the date of its referral to the Committee. If any measure or matter is within or affects the jurisdiction of one or more Subcommittees, the Chairman may refer that measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence subject to appropriate time limits, or divide the matter into two or more parts and refer each part to a Subcommittee.

(2) The Chairman, with the approval of a majority of the Majority Members of the Committee, may refer a legislative measure or other matter to a select or special Subcommittee. A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee for direct consideration by the Full Committee, or for referral to another Subcommittee, provided Members of the Committee receive one week written notice of the recall and a majority of the Members of the Committee do not object. In addition, a legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee at any time by majority vote of the Committee for direct consideration by the Full Committee or for referral to another Subcommittee.

(f) Consultation.—Each Subcommittee Chairman shall consult with the Chairman of the Full Committee prior to setting dates for Subcommittee meetings with a view towards avoiding whenever possible conflicting Committee and Subcommittee meetings.

(g) Vacancy.—A vacancy in the membership of a Subcommittee shall not affect the power of the remaining Members to execute the functions of the Subcommittee.

RULE 7. TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES

(a) Appointment.—The Chairman of the Committee is authorized, after consultation with the Ranking Minority Member, to appoint Task Forces, or special or select Subcommittees, to carry out the duties and functions of the Committee.

(b) Ex-Officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each Task Force, or special or select Subcommittee if they are not otherwise members. Ex-officio Members shall have the right to fully participate in activities but may not vote and may not be counted in establishing a quorum.

(c) Party Ratios.—The ratio of Majority Members to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee shall be as close as practicable to the ratio on the Full Committee.

(d) Temporary Resignation.—A Member can temporarily resign his or her position on a Subcommittee to serve on a Task Force, special or select Subcommittee without prejudice to the Member's seniority on the Subcommittee.

(e) Chairman and Ranking Minority Member.—The Chairman of any Task Force, or special or select Subcommittee shall be appointed by the Chairman of the Committee. The Ranking Minority Members shall select a Ranking Minority Member for each Task Force, or standing, special or select Subcommittee.

RULE 8. RECOMMENDATION OF CONFEREES

Whenever it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended to the Chairman by the Ranking Minority Member, primarily responsible for the measure. The ratio of Majority Members to Minority Members recommended for conferences shall be no greater than the ratio on the Committee.

RULE 9. COMMITTEE RECORDS

(a) Segregation of Records.—All Committee records shall be kept separate and distinct from the office records of individual Committee Members serving as Chairmen or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them in accordance with clause 2(e)(2) of House Rule XI.

(b) Availability.—The Committee shall make available to the public for review at reasonable times in the Committee office the following records:

(1) transcripts of public meetings and hearings, except those that are unrevised or unedited and intended solely for the use of the Committee; and

(2) the result of each rollcall vote taken in the Committee, including a description of

the amendment, motion, order or other proposition voted on, the name of each Committee Member voting for or against a proposition, and the name of each Member present but not voting.

(c) Archived Records.—Records of the Committee which are deposited with the National Archives shall be made available for public use pursuant to House Rule VII. The Chairman of the Committee shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of House Rule VII, to withhold, or to provide a time, schedule or condition for availability of any record otherwise available. At the written request of any Member of the Committee, the matter shall be presented to the Committee for a determination and shall be subject to the same notice and quorum requirements for the conduct of business under Committee Rule 3.

(d) Records of Closed Meetings.—Notwithstanding the other provisions of this rule, no records of Committee meetings or hearings which were closed to the public pursuant to the Rules of the House of Representatives shall be released to the public unless the Committee votes to release those records in accordance with the procedure used to close the Committee meeting.

(e) Classified Materials.—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

RULE 10. COMMITTEE BUDGET AND EXPENSES

(a) Budget.—At the beginning of each Congress, after consultation with the Chairman of each Subcommittee and the Ranking Minority Member, the Chairman shall present to the Committee for its approval a budget covering the funding required for staff, travel, and miscellaneous expenses.

(b) Expense Resolution.—Upon approval by the Committee of each budget, the Chairman, acting pursuant to clause 6 of House Rule X, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Administration and by the House of Representatives.

(c) Amendments.—The Chairman shall report to the Committee any amendments to each expense resolution and any related changes in the budget.

(d) Additional Expenses.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this rule.

(e) Monthly Reports.—Copies of each monthly report, prepared by the Chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each Member.

RULE 11. COMMITTEE STAFF

(a) Rules and Policies.—Committee staff members are subject to the provisions of clause 9 of House Rule X, as well as any written personnel policies the Committee may from time to time adopt.

(b) Majority and Nonpartisan Staff.—The Chairman shall appoint, determine the remuneration of, and may remove, the legislative and administrative employees of the Committee not assigned to the Minority. The legislative and administrative staff of the Committee not assigned to the Minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of these staff members and delegate any authority he determines appropriate.

(c) Minority Staff.—The Ranking Minority Member of the Committee shall appoint, determine the remuneration of, and may remove, the legislative and administrative staff assigned to the Minority within the budget approved for those purposes. The legislative and administrative staff assigned to the Minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate any authority he determines appropriate.

(d) Availability.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 12. COMMITTEE TRAVEL

In addition to any written travel policies the Committee may from time to time adopt, all travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences and investigations, including all foreign travel, must be authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, all travel shall first be approved by the Ranking Minority Member. Funds authorized for the Committee under clauses 6 and 7 of House Rule X are for expenses incurred in the Committee's activities within the United States.

RULE 13. CHANGES TO COMMITTEE RULES

The rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that 48 hours written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted on. A change to the rules of the Committee shall be published in the Congressional Record no later than 30 days after its approval.

RULE 14. OTHER PROCEDURES

The Chairman may establish procedures and take actions as may be necessary to carry out the rules of the Committee or to facilitate the effective administration of the Committee, in accordance with the rules of the Committee and the Rules of the House of Representatives.

THE PRESIDENT'S BUDGET

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

Mr. SCOTT of Georgia. Mr. Speaker, I have several problems with the President's budget. First, the Draconian cuts and discretionary spending do not reduce the deficit. In fact, the deficit continues as far as the eye can see. This budget is not honest and omits many important priorities, thus negating the President's promise to cut the deficit in half by 2009. And further, this budget has the audacity to raise taxes on our veterans.

And as Shakespeare's Julius Caesar said to Brutus, ''Et tu Brutus, yours is the meanest cut of all.'' This is the meanest cut of all in this budget: to cut our veterans, to raise taxes on our veterans. We need to be doing more for our veterans, not less. And certainly not raising taxes on our veterans as this budget does.

And this budget also hurts our farmers, cutting badly needed programs. The budget is not balanced. In fact, this budget creates a new record for a deficit $427 billion for fiscal year 2006.

This administration's budget continues a record of deficits and raising debt over the last 4 years. For the third year in a row, the administration's budget creates a new record deficit, while offering no plan to restore the budget to balance. The $5.6 trillion 10-year surplus inherited by this administration from the Clinton administration, which should have been used to strengthen Social Security, instead has been squandered and replaced by a deficit of $4 trillion over the same time period from 2002 to 2011.

Our goal of the deficit reduction accomplished during the Clinton administration was to save for the retirement of the baby boomers. Instead, this administration has run up mountains of new debt, which just passes the bill for today's policy choices on to our children and our grandchildren.

Under the administration's policies, the annual burden of the Federal debt on the typical American family will more than double over the next 10 years, with each family's share of the Federal interest payments on the debt rising from just over $2,000 per year to around $5,000 per year. This is not the kind of legacy we should be leaving to our future, to our children and grandchildren. This debt transfer is essentially a birth tax.

Another thing, this budget is not honest. Several of the President's top priorities are omitted from this budget. What surprises me is these projects that he is omitting from his budget this week were signature points in his State of the Union address last week. These omitted policies include debt service, and add $2 trillion to the deficit.

Not included in the budget are transition costs of privatizing Social Security. By delaying the start of the President's new Social Security plan until 2009 and then passing it on over 3 years, this budget manages to avoid showing most of the costs, but they are to be substantial. The Social Security actuaries have estimated the cost could be about $750 billion, and these are the President's people, over the 2009 to 2015 period alone, and between $4 trillion and $5 trillion over the first 20 years of full implementation.

Also not included in this budget are funds for appropriations and operations in Iraq and Afghanistan. Just think: the additional $81 billion being asked for this year for our soldiers for their safety, for their hardware, for their

armor and the military, is not even in this budget. Is that responsible? According to a scenario developed by the Congressional Budget Office, costs for operations in Iraq and Afghanistan could run as much as $400 billion more than what this budget includes.

The budget also includes no funding to repair the Alternative Minimum Tax, which protects middle-income taxpayers, which is another $64 billion not accounted for in the budget.

The budget also imposes a $250 annual enrollment fee for veterans without service-connected disabilities who also have incomes above VA means-tested levels. What this means is even before some of our veterans can even get into the hospital, they are being taxed $250. The budget also increases pharmacy copayments for our veterans from $7 to $15. Both of these veterans taxes were proposed in the last two budgets, and we rejected both of them in Congress.

In conclusion, Mr. Speaker, this Federal budget should be an honest blueprint for the spending priorities of this government. However, this budget is not honest. It is passing our obligations, responsibilities, and challenges to our children and grandchildren; and that is immoral. Let us stand up for the honesty and goodness of our Nation and reject this budget.

AN IMMORAL BUDGET PROPOSAL

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

Mr. OWENS. Mr. Speaker, the President has presented his budget to the Congress. We have begun a process which is the most moral process our government undertakes each year.

The budget of the United States is a moral statement. The President begins that budget process by making his own moral statement. The process goes forward with the Congress deliberating; and when we come out at the end of the year with the appropriations based on this budget, we are making a statement to the Nation and to the world of what our moral values are, stating what are our moral values.

This budget shows our moral values are really in serious trouble, because I think this is a budget of war against peace. You could call this a war-against-peace budget. It is not exaggerating to say it is kind of a barbarity-against-civilization budget. Because what we are doing is saving money. We are going to save money in all the areas which would carry forward our civilization and benefit peace and benefit a productive society; we are going to save that money in order to put it into the military. That is what this budget is all about.

It is a very dishonest budget to begin with, because the largest items of expenditure for this coming year are not even put in the budget. We are going to be asked in a few weeks to vote on a budget which includes $80 billion for the wars in Iraq and Afghanistan. That is not included in this budget. We ought to be honest about that.

We ought to be honest about the fact that Social Security proposals are being made which will require tremendous amounts of money to be drained from the budget also. So it is not an honest budget to begin with. It is not a moral budget, or it is a moral budget is that reflects bad morals.

The morality that we must undertake here is understanding what the Congressional Black Caucus always has understood, which is that this is the most important item on the agenda of the Congress; and we must deal with items like education, like health care, housing, et cetera. We have disparities which exist and impact upon the black community, and those disparities really impact on the total working-family community, and the majority of Americans are impacted.

□ 2000

So as we pursue the closing of the gap between those disparities, we are also pursuing that for the rest of America, as well as for the African American community.

The chairman of the Congressional Black Caucus will elaborate on that more in a few minutes. I just want to say that this omission that we are dealing with here tonight is the beginning of the process. We are going to have debates, negotiation, and legislation. I hope that those of us who debate and discuss and negotiate will show greater moral fiber than has been displayed so far, and that at the end of this process in the fall, when we begin to vote on the appropriations bills, there will be a different moral manifesto of the Nation emerging, unlike the one in the statement made by this budget.

The way a nation spends its money, as I said before, provides the whole world with indisputable evidence of what its real moral values are. Our true beliefs are reflected in the way we allocate our resources; and here I will just give one example. They have cut $4 billion worth of education programs. The President and the White House propose to cut $4 billion worth of education programs. At the same time, we have a program called the Missile Defense Systems program, and it is adding, it is increasing that budget. It will now be $8 billion. Twice as much as is being cut for education is going to be spent this coming year on the Missile Defense program, which does not work. And they say that they are cutting the education programs because they do not work.

This defense program has been around for some time. It used to be called Star Wars. All kinds of different labels have been placed upon it, but we read occasionally about them testing it and rockets going off in the sky and misfiring; and every time that happens it is $75 million or $100 million. The failed test costs us millions of dollars, yet we go on, we continue. It does not work, it costs millions of dollars, but we do not eliminate it.

Security, they say, is the number one issue, and I agree, security is the number one issue. The definition of security is what we have to discuss. Security is not throwing dollars at the military. Security is not throwing dollars at missile systems that do not work and missile systems which are almost irrelevant at this point. That is not security. Security means more than just guns, missiles, bombers.

I do want to applaud the President for increasing slightly the Millennium Fund, which is supposed to help nations across the world improve their own governments and deliver better education and health care to their own people. Education, in particular, is a concern of the Millennium Fund. The Millennium Fund got started as a result of an analysis. The Millennium Fund understood what happened with Osama bin Laden and the gathering of forces in Afghanistan. They came out of the madrassas, Pakistan primarily. Large numbers came out.

What is a madrassa? A madrassa is a name for a school, a religious school, and they were teaching there reading, writing, and the military, how to shoot, and how to hate. They recognized that there was an unlimited supply of such youth. They cannot get a decent meal at home; their parents are happy to have them go off to the madrassa and give them over to the madrassa for whatever they want them to do, including military training, which later leads to them being a part of al Qaeda. The analysts understood this, so they began to be concerned about fighting terror by improving the conditions of the people abroad, starting with the funding for education.

Education at home, however, is going to be neglected. Education at home is as much a matter of national security as education anywhere in the world. Education is the least expensive way for us to guarantee our security. We can guarantee our security far cheaper with education being spread, beginning at home, than we can by throwing more money at the military and starving health care programs, housing programs, and education programs here at home in order to improve the military.

Among the programs that are being eliminated is a program that relates to foreign languages. If ever it was clear that foreign languages are important, it is right now when our own ability to fight the terrorists has been shown to

be inadequate because we cannot translate the language, we cannot understand enough. There are not enough people around who can translate Arabic, let alone the more difficult languages of Urdu and Pashtu, and the languages that have seldom been before studied in our schools. We should be appropriating billions of dollars in order to train more young people in languages.

I can go on and on, and I intend later to come back and discuss in great detail some of these programs, especially in education, that are being eliminated and what their impact is on our society as a whole.

We have a steady increase in the population of our prisons, a steady increase of African American males in our population of the prisons. There is a relationship between the tremendous number of cuts over the last 10 years in social programs and the steady increase of African American males in our prisons. They cost much more to maintain in our prisons, of course, than the cost is to provide a decent education, either in elementary and secondary education, or in college.

But I will pause here and call upon the President of the Congressional Black Caucus to enunciate the Caucus's emphasis and position as we go into this process of deliberating on this budget to make this budget a more moral document, reflecting a more civilized approach to guarantee the security of the American people and people all over the world.

I yield to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I want to start by thanking the gentleman from New York (Mr. OWENS) for reserving the 1 hour of time this evening for the Congressional Black Caucus to make preliminary comments on the President's proposed budget.

When the Congressional Black Caucus met with President Bush on January 26, we presented a CBC agenda that would close disparities and create opportunity. We outlined six areas in which significant barriers exist that prevent African Americans from enjoying the same quality of life as white Americans. We requested the President's support and asked him to demonstrate it both verbally and substantively. Unfortunately, the budget that the President sent to Congress yesterday falls far short of the substantive goals that we hoped the President would have set forth to eliminate disparities.

The first area we presented to the President was in the area of closing the achievement and opportunity gaps in education. In his budget, the President proposes eliminating the Perkins loan program, which provides low-interest loans to low- and middle-income college students. This proposal would have disastrous effects on African American college students, many of whom rely heavily on Federal financial aid programs to offset the cost of obtaining higher education. As it is, African Americans attend college at a lower rate than white Americans. If the President succeeds in his plan to eliminate the Perkins loan program, a college education would simply be unaffordable and unattainable for many African American college students.

African American college enrollment rates are 10 percent lower than white college enrollment rates. College graduation rates are even worse for African American students. Only 46 percent of African American freshmen ever graduate from college, compared to 67 percent of white freshmen. According to the Education Trust, the typical American college or university has a graduation rate gap between white and African American students of over 10 percentage points. A quarter of institutions have a gap of 20 percentage points or more.

In a recent study by the Luna Foundation For Education, the Foundation found that the single most important financial variable influencing whether or not a student will attend college is the amount of need-based financial aid being provided. In spite of these disparities, the President seeks to not only eliminate the Perkins loan program, but he is proposing to eliminate the Gear Up and the TRIO programs as well.

The sole purpose of the Gear Up program, which our Congressional Black Caucus colleague, the gentleman from Pennsylvania (Mr. FATTAH) introduced, and the TRIO program, both of those programs are designed to prepare low-income and disadvantaged students for college. In other words, the President, through his budget, wants to eliminate the very programs that would help close the achievement and opportunity gaps in education. In fact, one out of every three programs that the President proposes to cut or eliminate in his budget is in the Department of Education. So the President has not been responsive at all to the CBC agenda in that area.

The second area we outlined to the President was in the area of health care, providing quality health care for every American. The President's proposed budget slashes at least $45 billion from the Medicaid program, which provides health coverage to 50 million low-income children, working families, seniors, and others who would otherwise be uninsured. The President's proposed cuts to Medicaid would have devastating effects on the working poor and would have particularly devastating effects on African Americans.

According to Families USA, African Americans are generally less likely to receive employer-based health care because African Americans are more likely than whites to work in positions where health care benefits are not offered, work for companies, typically small companies, that cannot afford to pay for employee health insurance, and to be unable to afford health insurance premiums when coverage is offered.

The third area we asked the President to respond to was in the area of economic security, building wealth, and business employment. The African American unemployment rate is consistently more than double the average national average. In inner cities, that number is even larger. Yet, the President proposes cutting the budget for the Department of Labor by 4.4 percent, including Workforce Investment Act State grants. Further, while the African American homeownership rate is over 20 percentage points behind that of white Americans, the President proposes cutting funding for the Department of Housing and Urban Development by almost $3.7 billion.

We asked the President to address disparities in foreign policy, eradicating poverty, hunger, and armed conflicts around the world, especially in Africa and the Caribbean, which is a major component of the CBC's agenda. Unfortunately, the President's budget offered no solutions on how to strengthen the economic stability and self-sufficiency of countries in the African Diaspora.

The Caucus supports reducing the heavy burden that debt has on many countries and reengaging with the United Nations, regional organizations, and countries throughout the world to help promote civil society, global health, fair trade, and peace. While we applaud the President for his proposal to fund the global initiative to fight HIV/AIDS, we implore him to also provide financial assistance to end the fighting in African countries that are engaged in civil war and in genocide.

We asked the President to help address retirement security for African Americans and the disparities that exist there. During the last several weeks, President Bush has traveled the country, selling his Social Security reform proposal to the American people. Because African Americans rely heavily on the survivor disability and retirement benefits provided by Social Security, the CBC is extremely interested in the details of this proposal. Contrary to the President's claims, African Americans receive a higher rate of return than whites, due to their heavier reliance on the full range of benefits offered by Social Security.

The CBC has made it clear to the President that we are against any proposal that would result in future benefit cuts or divert payroll taxes from the Social Security Trust Fund. African Americans are 8 percent of all retired beneficiaries, 13 percent of survivor beneficiaries, and 18 percent of

all disability recipients. Social Security is the only source of retirement income for 40 percent of older Americans, and if those benefits were reduced, the poverty rate for older African Americans would double almost overnight.

Social Security is one of the most effective programs in the history of the United States and is essential to the livelihood of African Americans.

We asked the President to ensure justice for every American. The CBC supports criminal and juvenile justice reform that focuses greater emphasis on prevention and rehabilitation, reduces recidivism by successfully reintegrating former inmates into society, and ends arbitrary mandatory minimum sentences.

□ 2015

We also strongly support preserving affirmative action until all the effects of past and present discrimination have been eliminated.

While the President's budget does include $75 million for a prisoner reentry initiative, much more rehabilitation needs to be done for prisoners while they are in prison.

In addition, we are disappointed to report that the President's fiscal year budget proposes to cut funding for the Justice Department's civil rights division even while we all know that more enforcement is necessary. And despite that fact our election system does not work properly, the President's budget proposes to eliminate grants to States for election reform.

In summary, Mr. Speaker, the budget that the President sent to Congress yesterday reflects priorities and values that are not in line with those held by the majority of American families or by the Congressional Black Caucus.

Today the President told reporters that his budget sets priorities. He went on to say, ''Our priorities are winning the war on terror, protecting our homeland, and growing our economy.'' I would say to the President that while we fight the war on terror, America's families also want to fight the war on poverty. While we protect our homeland, we must also ensure that American families are able to buy affordable homes. While we must grow our economy, we must also provide retirement security for American families in times of economic downturn. These, Mr. President, are America's priorities.

I hope the President will work with the Congressional Black Caucus to turn these priorities into realities.

Mr. Speaker, the following is a summary of some of the draconian cuts that the President has proposed in his budget.

BUSH ADMINISTRATION FY 2006 HOUSING BUDGET—CONTINUING THE ASSAULT ON THE MOST VULNERABLE

The Bush Administration's FY 2006 Department of Housing and Urban Development (HUD) budget makes deep cuts to a wide range of housing programs that serve low-income families, the elderly, and disabled persons. Overall, the HUD budget is cut by 11.5 percent. Critical housing and community development programs (CDBG, Brownfields cleanup, and Empowerment Zones) are eliminated and are consolidated into a new program in the Commerce Department, with an overall funding cut of 35 percent. The biggest funding cuts are targeted at those programs that serve our most vulnerable citizens, as follows:

THE POOR

CDBG: Transfers CDBG flexible block grants to the Commerce Department, with a 35 percent cut. This proposal would result in $1.16 billion less in funding for low-income housing than last year.

Public Housing. Eliminates HOPE VI public housing revitalization program, and rescinds the $143 million funded in FY05. Also cuts ongoing funding for public housing by $270 million. The overall request is 30 percent lower in real terms than when the Bush Administration took office.

HOME Block Grants. Cuts HOME block grants by $66 million (a 4 percent cut).

Section 8 vouchers. Purports to fully fund voucher renewals. But, the budget promises that legislation will be introduced later to renew the Administration block grant proposal—to gut the targeting of funds to the poorest families and the maintenance of affordable voucher rent levels.

AIDS Housing (HOPWA). Cuts HOPWA funding by $14 million (a 5 percent cut).

Lead Paint Abatement. Cuts funding for lead paint abatement by $48 million (a 29 percent cut).

THE DISABLED

Cuts 50 percent from the Section 811 disabled housing program (from $238 m. to $119 m). Also eliminates the Federal role in funding construction of new housing for the disabled.

MINORITIES

Fair Housing: Cuts the Fair Housing budget by 16 percent.

Minority Higher Education Institutions. Cuts Section 107 grants by 16 percent. Section 107 grants fund Historically Black Colleges and Universities, Hispanic Serving Institutions, Community Development Work Study, and other related programs.

La Raza. Eliminates funding for the National Council of La Raza for affordable housing activities and technical assistance (funded at $4.8 million in FY 2005).

RURAL HOUSING

Rural Housing Service. Cuts funding by 73 percent for Section 515, the core RHS affordable housing program. Also eliminates the Section 515 program's authority to fund new construction.

HUD Rural Housing an Economic Development Program. Eliminates this $24 million program, consolidating it with 17 other programs in the Commerce Dept.

NATIVE AMERICAN HOUSING

Cuts funding for Native American housing block grants by $110 million, a 16 percent cut.

Eliminates funding for the National American Indian Housing Council ($2.4 m. in FY 05).

Mr. OWENS. Mr. Speaker, I want to thank the chairman of the Congressional Black Caucus.

Mr. Speaker, the following is a statement by the CBC chairman on the Bush budget and the Congressional Black Caucus' core agenda.

CBC CHAIR CALLS BUSH BUDGET PROPOSAL EXTREMELY DISAPPOINTING

Bush Budget Blueprint Offers No Solutions to End Disparities that Exist in Our Society

Today, Congressman Mel Watt (D–NC), Chairman of the Congressional Black Caucus (CBC), issued the following statement in response to President George Bush's fiscal year 2006 budget proposal:

''On first review of President Bush's budget proposal, I find it extremely disappointing. Mr. Bush's proposal recommends severe cuts in education, food and nutrition programs, and literacy initiatives for youth and young adults.

''The proposed budget neglects suggestions offered by the Congressional Black Caucus for ending disparities that exist between African Americans and White Americans in every aspect of life. The CBC gave the President three distinct opportunities to respond favorably to our Agenda: (1) during a meeting with the President on January 26th when the CBC delivered our Agenda which outlined these disparities and offered ways to eliminate the gap; (2) during the State of the Union address; and (3) in his budget proposal. Unfortunately, the President missed all three opportunities. This budget appears to offer no real solutions for change and falls short of what the CBC hoped would be included in the document.

''In summary, Members of the CBC are extremely disappointed with the President's budget proposal and will work with our colleagues on the Hill for a budge that reflects the values and concerns of all Americans: education, health care, economic opportunity, justice for all, retirement security and foreign policy.''

The CBC advocates Closing the Achievement and Opportunity Gaps in Education as the most critical path to achieving our objectives in all areas of our Agenda. To do so, the CBC supports devoting more attention and, where necessary, more resources to:

1. Early childhood nutrition, Head Start and movement toward universal pre-school;
2. For children in school, student nutrition, identifying and providing education and assistance appropriate to the needs of each individual student to fulfill the promise of No Child Left Behind, dropout prevention, after-school programs, school modernization and infrastructure and equipment enhancement;
3. Pell Grants, scholarships, loan assistance and other specialized programs to enable and provide incentives to more African-American students to obtain college, graduate or professional degrees or otherwise receive training and retraining to meet changing job needs; and
4. Preserving and improving Historically Black Colleges and Universities.

The following are some of the dramatic disparities that the CBC believes would be reduced by the above priorities: In 2003, 39 percent of African American 4th grade students could read at or above a basic reading level compared to 74 percent of White 4th grade students and 39 percent of African American 8th grade students performed at or above a basic math level compared to 79 percent of White 8th grade students; High school completion rates—83.7 percent African-Americans, 91.8 percent Whites; Bachelor Degree recipients—16.4 percent African-Americans, 31.7 percent Whites; Digital Divide—41.3 percent of African Americans are capable of accessing the Internet, 61.5 percent of Whites.

The CBC advocates Assuring Quality Health Care for Every American. To do so,

the CBC believes that health care must emphasize universal access, affordability and prevention and should provide meaningful coverage for prescription medications to every American. Among the dramatic disparities the CBC believes would be reduced by doing so include:

In December 2004, the American Journal of Public Health reported that 886,000 more African Americans died between 1991 and 2000 than would have died had equal health care been available; while African-Americans comprised 12 percent of the U.S. population in 2000, they represented 19.6 percent of the uninsured and this disparity has grown since then; Black men experience twice the average death rate from prostate cancer; in 2002, the African-American AIDS diagnosis rate was 11 times the White diagnosis rate (23 times more for women and 9 times more for men); African Americans are two times more likely to have diabetes than Whites and four times more likely to see their diabetes progress to end-stage renal disease and four times more likely to have a stroke.

The CBC advocates FOCUSING ON EMPLOYMENT AND ECONOMIC SECURITY, BUILDING WEALTH AND BUSINESS DEVELOPMENT. The CBC supports:

1. Eradicating employment discrimination and insuring the employment of a diverse workforce by employers in the private sector and in government (including staffs of Committees and Members of Congress);
2. Protecting the rights and working conditions of all employees;
3. A living wage for all employees;
4. The advancement of African Americans into management, executive and director positions;
5. Equal access to capital for individuals and businesses and the elimination of redlining and predatory lending practices;
6. Expanding affordable rental and ownership of housing; and
7. Aggressive minority business goals and participation in government and private contracting.

Among the dramatic disparities the CBC believes would be reduced by pursuing these policies are the following: Unemployment rates for African Americans are consistently almost double the rates for White Americans; the median weekly earnings of full-time African-American workers is consistently over $130 less than White workers who are similarly educated and situated; the poverty rate for African Americans is almost double the national poverty rate (24 percent vs. 12.5 percent) and more than triple (33 percent vs. 9.8 percent) for children under the age of 18; home ownership for African Americans is 48 percent compared to 72 percent for White Americans and African Americans are more than two times more likely to be denied a mortgage and more than two times more likely to receive sub-prime loans; and minority-owned businesses receive only 57 cents of each dollar they would be expected to receive based on the percentage of ''ready, willing and able'' businesses that are minority owned.

The CBC advocates INSURING JUSTICE FOR ALL. To do so, the CBC supports:

1. Guaranteeing equal access to the vote, making sure that every vote is counted, extension of the expiring provisions of the Voting Rights Act and reinstatement of voting rights after criminal defendants have served their sentences;
2. Ending racial and ethnic profiling;
3. Criminal and Juvenile Justice Reform, including greater emphasis on prevention and rehabilitation and ending arbitrary mandatory minimum sentences;
4. Appointment of fair and impartial Judges; and
5. Preserving Affirmative Action until all the effects of past and present discrimination have been eliminated.

Among the dramatic disparities the CBC believes would be reduced by pursuing the above policies are the following: Practices of the kind documented in Florida in 2000 and in Ohio in 2004, the latter in a 100+ page Investigative Report issued by members of the House Judiciary Committee in January 2005; and African-American men are 44 percent of all male inmates in State and Federal prisons and jails (an estimated 12 percent of black males) and African-American females are five times more likely than White females to be incarcerated.

The CBC advocates RETIREMENT SECURITY FOR ALL AMERICANS. The CBC supports the following to each this objective:

1. Preserving Social Security as a safety net for older Americans and guaranteeing that Social Security benefits continue to be paid; and
2. Making it possible for people of all income levels to accumulate assets and save for retirement as means of supplementing their Social Security benefits.

Among the realities the CBC believes the above policies would help address are the following: Social Security benefits are the only source of retirement income for 40 percent of older African Americans and without these benefits the poverty rate for African-American seniors would more than double; and 28 percent of African Americans receive income from assets upon retirement compared to 62 percent of White Americans and 32 percent of African-American retirees receive income from private pension plans compared to 45 percent of White-American retirees.

The CBC advocates INCREASING EQUITY IN FOREIGN POLICY. To do so, the CBC supports:

1. Reaching the Millennium Goals for developing countries;
2. Eradicating poverty, hunger and armed conflicts in countries around the world, especially in Africa and the Caribbean;
3. Reducing the heavy burden that debt has on many countries; and
4. Reengaging with the United Nations, regional organizations and countries throughout the world to help promote civil society, global health, fair trade and peace and to help combat terrorism and increase security at home.

Among the realities the CBC believes the above policies would help address are the following: Nearly 1.3 billion people around the world live in poverty and do not have safe drinking water; More than one-third of the world's children are malnourished; Within the last 10 years, approximately two million children have been killed in armed conflicts, many after being forced to be child soldiers; Many poor countries spend 30 percent–40 percent of their annual budgets (often more than they spend on health and education combined); and Horrific conditions can lead individuals to become more disaffected and susceptible to recruitment by terrorist organizations.

OTHER PRIORITY AREAS: There are many areas in addition to the above in which disparities continue to exist and on which the CBC Action Agenda will also focus. Some of these areas include building stronger African-American families, improving the welfare of children, increasing African-American political representation, reducing inequities and improving opportunities for African Americans to advance in the military, documenting and preserving African-American history by assuring that financing and construction of the African-American Museum moves forward and eliminating waste, fraud, abuse and disparities in every area of government.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT), a former member of the Committee on the Budget.

Mr. SCOTT of Virginia. Mr. Speaker, I think we need to put the budget into perspective to see where we are with the budget as we discuss the priorities.

This chart just shows where we are starting with the first Bush administration ending with a $290 billion deficit. The 8 years of the Clinton administration, each year better than the previous year, up to a $236 billion surplus, with surpluses increasing as far as the eye could see.

The first year of the Bush administration we used up all of the surplus and ended up just with the Social Security and Medicare surplus, and each year worse than the year before. This year we expect a $427 billion deficit. Last year we ended up with a $412 billion deficit. When President Clinton left office, we had expected a surplus of $400 billion, a swing of over $800 billion.

That is significant, Mr. Speaker, because if you look at what we get from the individual income tax, everybody's individual income tax, it is less than $800 billion. That was the swing just in 1 year.

Mr. OWENS. Would the gentleman mind explaining the fact that every penny of the deficit costs us additional money because we pay interest on what we borrow and that is another expenditure that is added to the budget?

Mr. SCOTT of Virginia. When President Clinton left office it looked as though we could pay off the national debt by 2008 or 2009, which meant we would be paying out zero interest on the national debt. We would be able to replace all the money in the trust funds by about 2012, 2014, somewhere in there so there would be zero interest on the national debt paid to the trust funds.

Right now, about 2009, interest national debt is projected, instead around zero, about $300 billion a year. At $30,000 apiece that is enough to hire 10 million Americans, more than the total number unemployed today.

Where are we going? This chart shows, this red line is President Bush's projection of cutting the deficit in half in 5 years. First of all, we just showed that we started off with a surplus. We ought to be replacing the surplus, not just cleaning up half the mess. So the discussion about whether or not you can cut the deficit in half in 5 years really is out of place.

This chart up here shows in 2002, after 2001 President Bush projected surpluses in the hundreds of billions of dollars, and now he is talking about cutting the deficit in half. This chart

down here shows a more realistic projection because it includes actually the war in Iraq and Social Security privatization, interest on all of that debt, extending the tax cuts and all of these policies would put us down on this line below.

Mr. OWENS. I want to congratulate the gentleman on his observation there, because I have thumbed through the budget documents, the introductions, and the administration is applauding itself for reducing the budget in half in 5 to 10 years.

Mr. SCOTT of Virginia. The budget deficit.

Mr. OWENS. The deficit in half. Great applause is being showered upon them when we should not have a deficit to begin with.

Mr. SCOTT of Virginia. We should have a surplus. And you will notice if we adopt these policies we will not even come close.

I mentioned Social Security. It is hard to take the Social Security plan seriously because this green line shows that we will be able to pay full benefits until 2042. If we adopt the President's plan to solve the problem, because after 2042 we will have a deficit, the President's plan goes bankrupt 11 years earlier. So if that is the solution to the problem, it is just very difficult to take that very seriously. Furthermore, there was not that much of a problem. In fact, the Social Security shortfall was about $3.7 trillion. If we do not make the tax cuts permanent for the top 1 percent, that is enough to just about cover the entire shortfall. Making the tax cuts permanent, $11.6 trillion, is much more than the Social Security shortfalls.

So when you talk about your priorities, there is a priority, tax cuts for the top 1 percent first. Worry about Social Security second. I think we should worry about Social Security first and then tax cuts second.

If you look at the other kinds of priorities, look at the criminal justice priorities. I serve on the Committee on the Judiciary, and the gentleman from North Carolina (Mr. WATT) mentioned some of the disparities in the criminal justice system.

There is a good part of the budget. There is more money in residential drug treatment and drug courts, but unfortunately it appears to be at the expense of other good programs in the substance abuse area. There is more money for offender reentry, $5.6 million for a total of $15 million; but we have hundreds of thousands of prisoners coming out of prison, so that is woefully inadequate. But, unfortunately, they are severe cuts, not only in education but in prevention programs, like Safe and Drug Free Schools, Weed and Seed and other prevention programs, the COPS program which will actually reduce crime.

There is more money for prisons, building two new prisons. Unfortunately, that only exacerbates the disparities there are now. For every 100,000 whites in America, 366 are in jail today. But for every 100,000 blacks, 2,209 are in jail today. We need to be putting more money into prevention and less money into prisons. And if we put it into prevention, we will not need the additional prisons.

Mr. OWENS. Do those figures apply to black males?

Mr. SCOTT of Virginia. African generally.

If we put more money into prevention, we would not have to build those two new prisons as we have to today.

Mr. OWENS. I thank the gentleman for his excellent presentation.

Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. CONAWAY). The gentleman from New York (Mr. OWENS) has 31 minutes remaining.

Mr. OWENS. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman, my colleague, the gentleman from New York (Mr. OWENS) for yielding to me.

Mr. Speaker, yesterday the President released his budget blueprint for the 2006 fiscal year. While many of us are still reviewing the document, one thing is evident. The President proposes Draconian cuts to scores of programs which millions of people depend on in order to protect the tax cuts which only benefit a few Americans.

The President's $2.57 trillion budget calls for freezing or cutting the funding for nearly every domestic discretionary program except defense and homeland security in the hopes of reducing the budget deficit. However, this budget does virtually nothing to reduce the deficit this year or any other year. In fact, the President's budget is calling for a deficit of $427 billion in 2005, a record high, and $390 billion in 2006. And since the President fails to include the cost of many of his top priorities in this budget, which will cost at least $2 trillion, the deficit will likely be either larger this year, next year and for many of the following years.

Mr. Speaker, as ranking Democratic member of the Subcommittee on Housing and Community Opportunity of the House Committee on Financial Services, I am extremely alarmed about the President's decision to transfer community development programs from the Department of Housing and Urban Development, that is HUD, to the Department of Commerce.

Under the President's misguided plan, nearly all of the programs that comprise the Community Development Fund, including the Community Development Block Grant, will be moved out of the HUD program and combined with 17 other programs in the Commerce Department.

Brownfields, section 108 loan guarantees, and the Renewal Communities/Empowerment Zone Program are all slated to move to Commerce.

Once these programs are relocated to the Commerce Department, the President proposes to fund the 18 combined programs at 35 percent less than they are receiving now. This will be devastating to my home city of Los Angeles and many other urban and rural areas which depend on Community Development Fund programs to improve their communities.

Mr. Speaker, cities, States, and community-based organizations throughout the country depend on Community Development Block Grant funds because they are extremely flexible. In fact, Community Development Block Grant funds can be used for housing rehabilitation; new housing construction; down payment assistance and other help for first-time home buyers; lead-based paint detection and removal; the purchase of land and buildings; the construction or rehabilitation of public facilities such as shelters for people experiencing homelessness or victims of domestic violence; making buildings accessible to the elderly and disabled; ''public services'' such as job training, transportation, health care, and child care, public services are capped at 15 percent of a jurisdiction's CDBG funds; capacity building for nonprofits; rehabilitating commercial or industrial buildings; and loans or grant to businesses.

Mr. Speaker, the Commerce Department has no experience in community development programs, and it is likely that programs like the Community Development Block Grant with targeting provisions to focus on people with low and moderate incomes would receive far less consideration from the Commerce Department than other parts of the consolidated program. Thus, while the overall cut in community development funds is about 35 percent, the cuts to the Community Development Block Grant would be even larger.

The public may not know or understand the details of how the Community Development Block Grant funds are allocated to local community, but every mayor, every county official, every community development professional knows the indispensable role of Community Development Block Grant funds in funding housing, neighborhood improvements, and public services.

□ 2030

The proposed cuts to the Community Development Block Grant program will leave a huge hole in the budgets of our local governments, a hole they cannot and will not be able to fill with their own resources.

The net effect of cuts to the Community Development Block Grant program will be a huge decrease in housing and economic revitalization at the

local level. When the public sees the programs and services that will have to be eliminated if these cuts are enacted, they will be outraged, as they should be.

Mr. Speaker, we cannot shoehorn $5.6 billion in programs into a $3.71 billion program without many people being hurt. Unfortunately, as is usually the case with this administration, it is low- and moderate-income Americans who will suffer.

These cuts would devastate local efforts in my city, in my county and in local communities throughout America to provide housing, neighborhood improvements and public services to youth, the disabled, battered and abused spouses and the elderly.

These proposals are designed to decimate the CDBG program, to end it as we know it, not to improve the program. They must be resisted.

May I close, Mr. Speaker, by saying, it is outrageous that this so-called conservative President has been spending like a drunken sailor, and he has created this situation that we are in with this huge deficit; and now, after having given cuts to the richest 1 percent in America, he would try to fool the American people by saying he is going to cut back on programs or services that are not needed. It is shameful and it is unconscionable that he would balance the budget on the backs of the most needy, on the backs of working families who are trying to get along.

This country must be organized to deal with this issue, and I intend to be very active in the effort to educate the public about what this President is doing.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman for her statement, and I might want to consider also, and all of us should consider, the fact that in this area of Community Development Block Grants, it is one of the areas where great promises are being made to faith-based organizations; and I wonder if the movement of this program from HUD into the Commerce Department is partially to facilitate a movement of grants into faith-based organizations, without scrutiny, without any peer review process and with the maximum amount of favoritism. It is something we should bear in mind.

Mr. Speaker, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS) for yielding to me and for his leadership. I look forward to working with him and our other colleagues to propose a fix for the wrongs that are in the President's budget with the budget that the Congressional Black Caucus will present a little later in this process.

I have heard a lot of descriptions, Mr. Speaker, of the President's budget, but the word that keeps coming to my mind is shameless.

It is a budget of misplaced priorities that will only serve to widen the disparities that the Congressional Black Caucus and many other good Members of this and the other body have been working tirelessly to close, gaps that belie the values on which this country was founded and undermine our Nation's promise.

First of all, the budget we have been sent is unfair. The burden of the deficit, the war and homeland security is thrust on the poor and the middle class, while the wealthy would reap the benefit of tax cuts, which further take us down the slippery slope of debt and deficit.

It is based on more of the trickle-down economics that have never worked because the trickle always stops just short of those who need it most. Let us have some trickle-up economics for a change, so that there would be shared burden and shared benefits, if any.

Further, the President's budget does nothing to reduce the deficit. It keeps and deepens our debt to China and other countries and defers payments on what we do today to our children and grandchildren. They should not have their future crippled by debts we can and must avoid in our time.

Try though the White House might, they cannot seriously think they can justify it by budget shell games and turning attention to certain past increases the President signed only after having been made to do so, kicking and screaming all the way, by Democrats.

If left as it is, this budget would deal a serious blow to health. As in years past, no mention is made by the Secretary of the most serious issue facing us in health care today, the inequality and injustice of health care disparities, especially in racial and ethnic minority populations.

Medicaid, which has been faced with increased demands due to the failed economic policies of this administration, takes a near fatal hit in the President's budget. This is the bulwark of health care in this country, and it needs to be strengthened, not weakened.

Further, the Centers for Disease Control, on whom the protection of our health, the prevention of disease and the strength of our bioterrorism shield depends, would see a severe cut, as would programs that train doctors, nurses and other health providers. It cuts bioterrorism medical training and preparedness in hospitals, many of whom cannot adequately meet their everyday demands, not to mention surge in the case of an attack.

Rural health programs are slashed; newborn sickle cell screening and Indian health facilities construction grants are eliminated; and there are even cuts to CDC's HIV and AIDS, STD and TB budget at a time when our communities continue to be plagued by these diseases. Just today, I read of a TB outbreak, a tuberculosis outbreak, in northeastern South Carolina.

No ounce of prevention; with this budget we will have to pay the full pound of cure.

Today, I shared a program with former Speaker Newt Gingrich. I would suggest that the President and the House leadership and Senate leadership speak with him on this. He gets it.

Here I am not quoting him verbatim, but I am doing so accurately. He said that this country must raise the level of health care of everyone, no matter where they live, of all races and ethnicities on a par with our white population and continue to raise that bar as well. He further went on to say that unless we do so and place more emphasis on prevention, we will never contain the dramatic increases in health care spending or improve the health of this Nation overall.

This is the message that we in the Congressional Black Caucus, together with our colleagues in the Hispanic Caucus, Native American Caucus and Asian Pacific Island Caucus, as well as the Progressive Caucus, have been trying to get across all along. I hope that hearing it from a Republican leader can finally have that message break through.

When the Congressional Black Caucus met with President Bush a few weeks ago, we tried to impress upon him the urgency of acting, not talking, but acting with budget and programs, to close the gaps in health care that weaken this country morally, economically and in terms of our national security. As we also told him, we tell our colleagues: Every year that we fail to live up to what is our moral obligation to do good, to heal, to feed and to clothe the least of these, as we have been called, we as a Congress, through our omission, are complicit in the premature, preventable deaths of close to 100,000 African Americans and other people of color every year.

The submission of the President's budget is only the beginning of a process. It began wrong, but we can and must make it right. All we are asking for is a budget that is fair, that is just and that finally brings about the equality for all that our country has promised.

Mr. Speaker, I thank the gentleman for the time.

Mr. OWENS. Mr. Speaker, the gentlewoman is sort of an expert in this area.

What does my colleague think of the fact that repeatedly the Republican message has begun to bang away at the fact they are going to provide more money for Community Health Centers? I have several good Community Health Centers in my district, but they are offered as a substitute for any of the real health care benefits financed by the Federal Government.

Mrs. CHRISTENSEN. Mr. Speaker, if the gentleman would yield, with the

level funding, from Maternal and Child Healthy Starts with cuts in many of the prevention programs, with the elimination of funding for training the physicians, the doctors and nurses and other health providers, from our communities who have the cultural sensitivity to deal with the diverse populations that use the Community Health Centers, there will be empty buildings.

Mr. OWENS. Mr. Speaker, they are robbing Peter but not giving it all to Paul.

Mrs. CHRISTENSEN. Yes, exactly.

Mr. OWENS. Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first let me thank my colleague, the gentleman from New York (Mr. OWENS), for organizing, really, this opportunity to educate the public and the administration and, of course, Congress with regard to the most pressing issues confronting our country as it relates to this budget, especially as it relates to those who have not benefited from the huge tax cuts.

Mr. Speaker, few traditions are more significant in our democracy than the President's annual submission of the budget. It provides us really a window on the President's and the administration's values and their priorities for this term. It also sets the tone and the standard for us in Congress by marking the spending levels for this year.

Now, I quite frankly had to go back and reread the President's State of the Union speech, because I wanted to see how consistent this budget was in terms of what he presented to the country in his State of the Union address. So I would like to mention a couple of those points tonight.

First of all, of course, in his State of the Union message he said that one of the deepest values of our country is compassion. I think we have heard that tonight this President's 2006 budget shows very little compassion. Instead of sending us a budget for the American people, for the people, this President has sent us a budget that really turns our back on the people and on their future. It sacrifices our children, our seniors, our security, our veterans, our environment and our economy in order to advance special interests and to make permanent tax cuts for the wealthy.

In his State of the Union speech, the President also said over the next several months on issue after issue, let us do what Americans have always done and build a better world for our children and our grandchildren. Well, let me tell my colleagues, Mr. Speaker, how does cutting $5 billion in housing, how does eliminating funding for Hope VI, how does cutting funding by 50 percent for the disabled in terms of housing, how does this create a better world for our children and for our grandchildren?

The assault on the poor in this budget is appalling, and the cuts keep coming. The President's budget has cut Community Development Block Grants, has cut housing assistance for people living with HIV and AIDS. It has cut the lead paint abatement program. It cuts the fair housing program. It cuts rural housing initiatives. It cuts Native American housing. It cuts the Youth Build program. It has eliminated the empowerment zone and brownfield programs, and this is just the tip of the iceberg.

Again, going back to the President's State of the Union speech, how does this budget build a better world for our children and for our grandchildren?

Also in his State of the Union speech, the President acknowledged, rightfully so, the devastatingly high rates of HIV and AIDS in the African American community, and Mr. Speaker, we acknowledge the President's leadership in calling on Congress to reauthorize the Ryan White CARE Act. During last week's State of the Union speech, the President indicated this, but again, I must say, looking at this budget, it offers very little for our minority AIDS initiative.

He proposes a $10 million increase in the Ryan White CARE Act, $10 million. This is far short of what is needed. We need at least $513 million more this year to keep people off of waiting lists and to prevent new infections. In short, we need a budget that provides a minimum of about $2.6 billion if we are really serious about addressing this HIV and AIDS crisis here in America. A $10 million increase in the Ryan White CARE Act really does not signal the seriousness of this crisis.

Furthermore, we need more money for the minority AIDS initiative. Ever since this President has been in office, we have flat-funded the minority AIDS initiative at $407 million. We need at least $610 million this year if the President is really serious, again as he said in his State of the Union address, if he is serious about addressing the HIV/AIDS pandemic in our communities.

□ 2045

The budget does not reflect what the President has said in terms of the seriousness of this in our country.

Also, in the State of the Union, the President devoted a large portion of his speech to address Social Security. And as he described it, Social Security is one of America's most important institutions, a symbol of trust, he said, between the generations, and that it is headed towards bankruptcy. Well, even if we discount the fact that the President simply is incorrect, and I believe he is and many of us do, in his assessment about Social Security's solvency, his budget for 2006 does not even include the cost of his estimated $1.3 trillion proposal for Social Security privatization over the decade after its enactment. This is a critical omission.

And the President said in his State of the Union speech that a taxpayer dollar must be spent wisely or not at all. Well, let me just say parenthetically, I believe not only should tax dollars be spent wisely but they should be spent with compassion, as he talked about earlier, not or not at all. But in this budget, these cuts that the President has proposed are not even wise, let alone compassionate.

Also, the President's State of the Union speech was about freedom and democracy; very grandiose statements he made. But I wondered when I was listening to him why justice, as a value, why this was omitted really from these grand statements in the State of the Union. Well, quite frankly, after reading and reviewing this budget, I can see why. It explains why. Because there is no justice in this budget.

So, Mr. Speaker, I think we need to go back to the drawing board, and we need to remind the President about his State of the Union message. And I would say, as many have said before, that we want not just a budget but a just budget.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman for her comments, and I would like to go back to my introduction where I said that the budget is a statement of the morality of America. What our moral position is is stated in the budget. The beautiful rhetoric of the inaugural address, the beautiful rhetoric of the State of the Union address, they must be followed up with concrete statements of how we spend our money. That is not the case. We spend our money quite differently from the high standard that was set in the President's inaugural address and in his State of the Union address.

Mr. Speaker, I yield now to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I thank the gentleman for yielding to me. I have a couple of questions for the gentlewoman from California (Ms. LEE) and for the chairman, but before that we have had several discussions about the budget and what the budget reflects.

Mr. Speaker, when you are in a group or organization, or in the church, you can tell something about the people as to how they spend their money. It is clear that this Bush administration does not value the people that are paying the bills. They do not value the people that are paying the bills. All you have to do is follow the dollars. Every single domestic program is cut under this administration.

My question has to go back to starting with Social Security. My question, one, pertains to the Social Security program that we just celebrated a few years ago, how many years it has been in existence, the most successful program in the history of this country. I guess I am the only Member that remembers that the Republicans said

that they want to see the program wither on the vine.

Would my colleague, the gentleman from New York (Mr. OWENS), explain how old the program is and why it was started in the first place.

Mr. OWENS. Well, Mr. Speaker, I would tell the gentlewoman that it is more than 60 years old. And if I had a glass of wine here, I would drink a toast to it. Let us drink a toast to an aging lady in her 60s. That is really the prime these days. The most beautiful program that ever was developed, Social Security. It does not need an extreme makeover. It may need a few repairs here and there, but it does not need the kind of demolition that the President is planning for Social Security, the greatest program we have ever had. And we should all work and fight together to keep it.

Ms. LEE. Mr. Speaker, I might add that we would have 50 percent more of our seniors living in poverty were it not for Social Security. Our disabled rely on Social Security. Our survivors rely on Social Security, as a result of Social Security benefits. This does not need to be dismantled or privatized. It is a program that provides a safety net.

Ms. CORRINE BROWN of Florida. Mr. Speaker, my chief of staff and I were talking today about the program. He is a young man in his 40s, but his father died when he was a young man, and he was able to get that benefit that took care of him until he went to college. That is a benefit of the Social Security program. So it helps those people that have parents who die, and it also helps the disabled; is that correct?

Ms. LEE. That is correct. And I know many individuals who are disabled who would have a very dismal life had it not been for Social Security. Young people who are disabled are able to receive Social Security. It ensures a quality of life for those who, for whatever reason, have not been able to move forward. I do not want to see this touched for the disabled or for young people whose parents have died or for our senior citizens.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman.

Ms. CORRINE BROWN of Florida. I thank the gentleman for this discussion tonight.

Mr. OWENS. Mr. Speaker, I want to point out that among the programs eliminated, and I will submit a list of programs proposed for elimination in the education area, but among those programs are the Arts in Education program; Community Technology Centers, designed to close the digital gap between the poorer communities and the middle-class communities; the Javitz Gifted and Talented Education program, a tiny program, but many people complain there is nothing for the gifted, and so we need that. Regional Education Laboratories, which have existed for a long time, are going to be phased out. Safe and Drug-Free Schools and Communities State Grants, a program popular all across the Nation, which is proposed for elimination. TRIO Talent Search; TRIO Upward Bound program. The Vocational Education State Grants.

Drastic reductions are proposed in order to save money, as I said before. In order to save money to give more to the military, we are going to guarantee the security of the Nation by wiping out the programs that are the most beneficial for the development of our own population. The greatest resource that any nation can have is its own people, the people's development, the people's talent, the people's education. And we are turning our backs on that in this budget, which is a bad moral statement in comparison with what the President has said in his rhetoric in the inaugural address and in the State of the Union address.

The budget is a concrete statement. It is evidence of just how moral we are, and this budget falls short in many ways.

Mr. Speaker, I now yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for allowing me the opportunity to have this discussion with my colleagues on a very important journey, road map, debate that will take place both in the House and the Senate.

Mr. Speaker, I would like to have been able to come to the floor and begin a discussion on the bipartisan efforts to pass a budget that would impact the American people in a positive way, but I think it is important to reiterate why we are standing here today. It is not because we want to cite the failings of the administration, but because we are concerned about the negative impact that this budget will have on millions and millions of Americans.

Let me refresh your memory, Mr. Speaker. We are going to be cutting in the President's budget, which will be debated now on the floor of the House, $60 billion for Medicaid. That is not $6 billion, not $16 billion; but it is $60 billion which includes those dollars for nursing home residents, those dollars for indigent mothers and their children, those dollars that cover the Children's Health Insurance Program that many States are already suffering because there is not enough money.

We will see a cut of 43 programs in education up to $1.3 billion. That means that the extra burden on school districts will now accelerate. And those schools that are looking for additional funds for the increased population, it will not be there.

Veterans, the very people who have fought in Iraq and Afghanistan, now will find their care cut by $1.2 billion over 5 years. And we note that that House committee has been reconfigured and therefore we do not have the kind of advocacy we look for.

Environmental Protection Agency, $300 million. Department of Justice, the DNA labs the President spoke about, $1.1 billion.

Let me say this: I applaud the community health clinics that will have a positive impact on Houston, and Texas in general, and many other cities the President has proposed. I applaud the dollars for Homeland Security. But, Mr. Speaker, we cannot in this budget pay for the needs of the American people by making the tax cuts permanent and taking $1.5 trillion to $2 trillion to change the Social Security System to a private special account.

I close by saying this to those who are listening to this debate: get engaged. Mr. Speaker, I thank the gentleman from New York and ask my colleagues to be a part of this debate. This budget can be changed. Social Security can be saved. And for those who think that the private account is worthy, spend for 40 years $1,000, to the young people who might be listening; have invested $99,000; give back to the United States $79,000, and only receive $21,000 for your annuity.

This budget must be changed. It must be a budget that is invested to help the American people. I thank the Speaker, and I look forward to the debate. I also thank the distinguished gentleman from New York and my colleagues who have been on the floor for their participation in this very worthy debate.

Mr. OWENS. Mr. Speaker, I submit herewith the list of programs slated for elimination, which I referred to earlier:

III. PROGRAMS PROPOSED FOR ELIMINATION

The 2006 request continues the practice of the Bush Administration—also consistent with previous administrations over the past 25 years—of proposing to eliminate or consolidate funding for programs that have achieved their original purpose, that duplicate other programs, that may be carried out with flexible State formula grant funds, or that involve activities that are better or more appropriately supported through State, local, or private resources. In addition. the government-wide Program Assessment Rating Tool, or PART, helps focus funding of Department of Education programs that generate positive results for students and that meet strong accountability standards. For 2006, PART findings were used to redirect funds from ineffective programs to more effective activities, as well as to identify reforms to help address programs weaknesses.

The following table shows the programs proposed for elimination in the President's 2006 budget request. Termination of these 48 programs frees up almost $4.3 billion—based on 2005 levels—for reallocation to more effective, higher-priority activities. Following the table is a brief summary of each program and the rationale for its elimination.

Program Terminations

[2005 BA in millions]

Alcohol Abuse Reduction	$32.7
Arts in Education	35.6
B.J. Stupa Olympic Scholarships	1.0
Byrd Honors Scholarship	40.7

Program Terminations—Continued

Civic Education	29.4
Close Up Fellowships	1.5
Community Technology Centers	5.0
Comprehensive School Reform	205.3
Demonstration Projects for Students with Disabilities	6.9
Educational Technology State Grants	496.0
Elementary and Secondary School Counseling	34.7
Even Start	225.1
Excellence in Economic Education	1.5
Exchanges with Historic Whaling and Trading Partners	8.6
Federal Perkins Loan Cancellations	66.1
Foreign Language Assistance	17.9
Foundations for Learning	1.0
Gaining Early Awareness and Readiness for Undergraduate Programs	306.5
Interest Subsidy Grants	1.5
Javits Gifted and Talented Education	11.0
Leveraging Educational Assistance Partnerships	65.6
Literacy Programs for Prisoners	5.0
Menal Health Integration in School	5.0
Migrant and Seasonal Farmworkers	2.3
National Writing Project	20.3
Occupational and Employment Information	9.3
Parental Informational and Resources Centers	41.9
Projects with Industry	21.6
Ready to Teach	14.3
Recreational Programs	2.5
Regional Educational Laboratories	66.1
Safe and Drug-Free Schools and Communities State Grant	437.4
Schooll Dropout Prevention	4.9
School Leadership	14.9
Smaller Learning Communities	94.5
Star Schools	20.8
State Grants for Incarcerated Youth Offenders	21.8
Support Employment State Grants	37.4
Teacher Quality Enhancement	68.3
Tech-Prep Demonstration	4.9
Tech-Prep Education State Grants	105.8
Thurgood Marshall Legal Educational Opportunity Program	3.0
TRIO Talent Search	144.9
TRIO Upward Bound	312.6
Underground Railroad Program	2.2
Vocational Education National Programs	11.8
Vocational Education State Grants	1,194.3
Women's Educational Equity	3.0
Total	4,264.4

Program Descriptions

[Figures reflect 2005 BA in millions]

Alcohol Abuse Reduction	$32.7
Supports programs to reduce alcohol abuse in secondary schools. These programs may be funded through other Safe and Drug-Free Schools and Communities National Programs and State Grants for Innovative Programs.	
Arts in Education	$35.6

Program Descriptions—Continued

Makes non-competitive awards to VSA arts and the John F. Kennedy Center for the Performing Arts as well as competitive awards for national demonstrations and Federal leadership activities to encourage the integration of the arts into the school curriculum. Eliminating funding for the program is consistent with Administration policy of terminating small categorical programs with limited impact in order to fund higher priorities. Arts education programs may be funded under other authorities.	
B.J. Stupak Olympic Scholarships	$1.0
Provides financial assistance to athletes who are training at the United States Olympic Education Center or one of the United States Olympic Training Centers and who are pursuing a postsecondary education. Athletes can receive grant, work-study, and loan assistance through the Department's postsecondary student aid programs. Rated Results Not Demonstrated by the PART due to lack of performance data and program design deficiencies, including its duplication of other Federal student aid programs.	

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to vehemently state my disappointment, frustration, and objection to the FY 2006 budget submitted by President Bush.

When President Bush submitted his 2006 budget to Congress on Monday he said, "The taxpayers of America don't want us spending our money into something that's not achieving results." I couldn't agree more. The unnecessary tax cuts for the rich and an optional war with Iraq are not producing results.

The President's 2006 budget request slashes social programs while increasing military spending. Yet not a single dime of his FY 2006 budget is earmarked for Iraq. Instead, those costs are hidden from the American people in the form of an $80 billion emergency supplemental request to Congress. This budget will severely impact Texas citizens negatively, as well as other American citizens. They deserve better.

Mr. Speaker, never before has America faced such an array of issues that demand creative, competent leadership. But the Administration has pursued solutions that serve only to escalate the problems we are facing. Programs and policies that not only provide assistance for the poor but for a large portion of the American people who need help to keep their heads above water are under attack. On the cutting block by this Administration are grants for college tuition; housing assistance under Section 8; food stamps; health care for the uninsured.

Eight million Americans are unemployed. But Republicans passed a new set of tax breaks that reward corporations who send jobs overseas. About 45 million Americans have no health insurance. But Republicans have proposed Health Savings Accounts that benefit a wealthy few, encourage employers to drop insurance coverage and will increase the number of uninsured by 350,000. Over 8 million children nationwide are struggling to meet new national education standards. But Republicans refused to provide promised help to our schools, leaving millions of children without the help they need in reading and math.

America needs a national security policy that is as strong and brave and as decent as the heroes who serve in uniform. We must make sure that they have the training and equipment they need to get the job done right.

Democrats are working to build a future that is worthy of the trust of the American people, the sacrifices of our men and women in uniform, and the aspirations of all of America's children.

GENERAL LEAVE

Mr. OWENS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore (Mr. CONAWAY). Is there objection to the request of the gentleman from New York?

There was no objection.

PRESIDENT'S BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, it is certainly a privilege to stand here tonight and to talk with my colleagues and discuss what we have going on with the President's budget that has been submitted, and also with the desire of the President and of our leadership to begin to get their hands around the spending issue and to address the spending issue.

Mr. Speaker, one of the things I hear regularly from my constituents in Tennessee is it is time to stop spending so much of the taxpayers' money. And one of the things that people in my district constantly remind me of, and a message they want me to bring to Washington is: it is not the government's money. The government is not creating a product; the government is not selling a product. It is the taxpayers' money, and they want accountability with that money.

Unfortunately, Mr. Speaker, this morning I think that the taxpayers across this country woke to the kickoff of a national scare campaign, and it is aimed squarely at the President's budget and at this Congress' efforts to eliminate waste, fraud, and abuse in government. Listen to some of these headlines that we found in the newspapers out there.

This one from Illinois: ''Bush Budget Includes Steep Cuts.'' In Tennessee a paper said: ''Bush Budget Axes Scores of Programs.'' In Oregon, news sources said: ''Domestic Programs Sacrificed in the Budget.'' And in California, newspapers declared: ''The President's Budget Proposal Cuts Vital Funds For Safety Net.''

Now, all of this is coming about, Mr. Speaker, because finally, finally this Congress and this President are answering a need and a desire the American people have, and that is to reform government, to reduce the amount of money that we are spending, and for us to come up with a 21st-century delivery of government services that is more effective and more efficient, that is going to meet the needs of government, that is going to avail itself of new technologies, and that is going to be fair to the taxpayer.

That is what they want. They want to be certain that we, the Members of the U.S. House, are going to be good stewards of the tax dollars that they send here. Because they want to see a system that is more fair to the taxpayers, to the working men and women that every single day get up and leave their homes and go to work; and who, with every single paycheck, look at that paycheck and look at the amount of money that is withheld from that paycheck to do, what? To fund government services.

□ 2100

Mr. Speaker, since when did eliminating waste, fraud, and abuse in government become a bad thing? And to listen to some of my colleagues here on the floor this evening, one would begin to think that trying to eliminate waste, fraud, and abuse in the Federal Government is a bad thing. But my constituents and millions of Americans think this is the right thing to do and now is the right time to do it.

Listening to my colleagues speak tonight, one would begin to think that demanding results, demanding positive outcomes of government programs is a negative. But I hear from constituents and Tennesseans every single day that say let us demand results. Let us be certain that programs are producing the right outcomes that we expect from them. That is a positive, not a negative; and the American people are ready to see that kind of accountability. Why, Mr. Speaker? Because it is their money. It is their money that they have earned that is coming into the government coffers and is being spent on programs that are to benefit the American people.

I would like for every American to know that President Bush and this Republican Congress are not content to sit idly by while even a penny of taxpayer dollars is wasted, and let me tell Members there is significantly more than a penny of waste that we can target in this budget.

I am proud of the leadership of this House, the Senate, and the President and his team for saying we are going to roll the spending back. I agree with them. We can save America one dollar at a time, and that is what we are going to do. We are going to take these first steps and put it on the road, saving America one dollar at a time.

What those headlines should be saying is this: President Bush and the Republican Congress believe taxpayer dollars ought to be spent wisely or not spent at all. Sounds like something ours grandmothers probably told us. If you are going to do it, do it right. If you are going to do it, do it right the first time. If you are going to make some money, save it. If you are going to spend it, spend it wisely or do not spend it. In Tennessee we call that good old common sense. It makes sense, but I guess that is why a lot of the liberals do not like it, because it is good old common sense.

That is what this is all about. It is about our firm belief that the American people work far too hard and far too long to have half their earnings taken in taxes and then squandered by the government. Taxes, that is the single largest part of a family budget. They spend more on taxes than they do for food, for education, or for transportation. Taxes, and it is an imperative that we be good stewards of that money, that we be accountable for that money, and that we look for every single possible opportunity to save and manage wisely those taxpayer dollars.

Mr. Speaker, according to the Congressional Research Service, there are approximately 1,200 Federal Government programs, and I hope Members heard me say approximately because that is exactly what I meant to say. There are so many programs out there, we do not even know how many programs we have. We know we have approximately 1,200 programs.

So what our President is saying is, all right, folks, let us look at 150 of these, the really egregious examples of waste, and let us find some savings. Let us start to whittle away and find what works and what does not work. Let us look at the programs that have outlived their purpose, their usefulness, let us find the things that are duplicative, let us find the things that have turned out to be failures and are not producing the outcomes that we want and have not yielded an acceptable return for the investment of taxpayer dollars that have gone into those programs.

There is not a single thing radical here. As I said earlier, it is common sense, it is fiscal responsibility and the Republicans are committed to it. Why should an agency have its budget automatically increased year after year? Most people do not get automatic increases every year. Ask a lot of the folks working in my district. It is not a given that they are going to get a raise every single year, so why should an underperforming Federal Department get a budget boost every 12 months?

For too long in Washington, a Federal spending increase has been a certain thing. It has been as certain as the sun rises and that it is going to set in the evening. It is time to reform that process.

Here are some great examples of things that we need to get behind: the Forest Service. They could not figure out for what purpose it spent $215 million out of its $3.4 billion operating budget in fiscal year 1995. They could not figure it out. They did not know what they spent $215 million on.

Has anyone mentioned that since 1992 the Rural Utility Services Electricity Loan Program has canceled $4.9 billion in debt? That essentially means it loaned $4.9 billion of taxpayer money and then said do not worry about paying us back. CEOs go to prison for things like that.

Did Members know that the State Children's Health Insurance Program, the SCHIP program, is currently insuring childless adults in two States at a cost to taxpayers of at least $330 million? The program, a good program, was created to provide health insurance to uninsured children, not uninsured adults.

This is not an isolated problem. We have other examples, and it is not a rare thing that programs waste taxpayer money. In fact, the Committee on Government Reform where I served last Congress found that the Office of Personnel and Management's Inspector General recovers $12 in fraudulent spending for every $1 spent by its office. That is just the tip of the iceberg.

The Veterans Administration, we know there are $3 billion in outstanding loans and that processing errors and program fraud account for $125 million annually in VA pension overpayments. These overpayments comprise about 4 percent of the $2.9 billion in total pension benefits that the VA paid out in fiscal year 2001.

Mr. Speaker, given this information, how can we not work to reduce spending and insert accountability? How can we not say to these agencies no more funding increases until you prove you can handle what you have already got?

Mr. Speaker, I am delighted to have an expert on some of these issues join us this evening here on the floor. The gentleman from Mississippi (Mr. WICKER) is out of Mississippi's first district and he is a part of the Republican leadership here in Congress. He does a wonderful job for the people of Mississippi and does a wonderful job for our leadership. He is a deputy majority whip, a member of the Committee on Appropriations; and he knows a lot about our budget and what we can do to work on being more accountable in our government budget system.

Mr. WICKER. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN) for that kind word of introduction.

I have to observe what a refreshing contrast we have seen tonight between the gentlewoman from Tennessee (Mrs. BLACKBURN) and those who occupied the previous hour of Special Orders on this floor tonight because of the great difference in the philosophy of government evidenced by all of the speakers.

The gentlewoman from Tennessee (Mrs. BLACKBURN) has outlined a conservative philosophy of efficiency with the taxpayer dollars, not taking the first answer at face value but looking for savings wherever we can find them because that is what the taxpayers expect us to do.

What we witnessed in the previous hour was an example of what we hear from our liberal Democrat friends year after year. I had to think as I was listening to them that these are the same arguments we hear over and over again from the other side of the aisle. They say we are not spending enough. Regardless of the fact that Federal spending almost always increases, it is never high enough for our friends on the Democrat side of the aisle. They always, always want to spend even more.

Whatever tax level the President and the Republicans propose, the Democrats always want to tax more. They want to raise taxes on the American people. However high taxes might be, we can always count on our liberal friends to make the argument year in and year out that they want tax rates to be higher. They may shed crocodile tears about deficits, but their solution to deficits is always higher taxes, always higher taxation, and their solution to deficits is never ever to find a way to make savings for the American people.

Their arguments are always the same, and I must add more often than not their predictions are off the mark too, Mr. Speaker—their predictions about how the President's budget will affect the poor, the disadvantaged, the unemployed, the economy as a whole. We heard those predictions, those same dire predictions last year, and what has happened? As a matter of fact, what has happened is exactly what we on the Republican side of the aisle predicted: healthy growth in our economy, the gross domestic product at a sustained growth rate of now 4 percent continuing on now for several months, and the unemployment rate falling. Job creation is at a record high in the United States of America, and I am proud of that. It has come in spite of the dire warnings we had from our friends on the left who predicted last year when we tried to hold the line on budgeting that we would have all sorts of dire consequences for the American people.

One argument that was made previously that cannot go unchallenged is this argument about the term ''withering on the vine.'' I think some people in this town believe if you say something often enough, it will take on truth. As a matter of fact, no Representative on this side of the aisle has ever advocated Social Security withering on the vine. It is just factually inaccurate to say such a thing. We were actually accused of saying that not with regard to Social Security but with regard to Medicare, and it was not true about Medicare.

What a Speaker of the House at one time said should wither on the vine is this HCFA program which we have now renamed CMA—that could ''command and control'' a health care system where government tries to manage each and every aspect of it. That is what he said should wither on the vine so Americans could have more choices about the way they get their health care.

Mr. Speaker, I am going to challenge every time I can this allegation that Republicans wanted either Social Security or Medicare to wither on the vine; we did not.

I want to applaud the President and my colleagues for saying tonight that we believe government can do better. We know there is waste and fraud and abuse in government spending.

□ 2115

And every single penny that is wasted, every single penny that is subject to fraud is money that could go to programs that actually do benefit Americans. And it is money that could go to tax reduction. It is money that could go to deficit reduction.

So central to the President's budget that he submitted to us this week is the fact that the President and Republicans in Congress are dedicated to providing stronger financial management and oversight for Federal programs. This should not be controversial. It ought to be a common-sense, bipartisan approach to Federal spending, and we invite all Americans to help us.

I hope that Americans will be contacting Members of this Special Order after tonight's remarks, Mr. Speaker, and I hope that the phones will be ringing off the walls in congressional offices with Americans giving us examples of the way they know we can save money. My constituents instinctively know that this Federal Government is so big, so large, so unmanageable that there have got to be ways that we can effect savings.

So I look forward to this Special Order tonight. We have, I guess, around 40 or 45 more minutes. I intend to stick around, Mr. Speaker, and if the gentlewoman from Tennessee will recognize me again, we might be able to cite some very specific examples that I think she might find interesting about ways in which we believe that we can begin to look for additional savings for the American people.

I thank the gentlewoman for yielding to me.

Mrs. BLACKBURN. Mr. Speaker, reclaiming my time, I appreciate the gentleman's comments so very much, and I appreciate his insights and his wisdom that he brings to the discussion.

And he is exactly right. Government can do better, and it is our responsibility to challenge government to do better, to challenge our systems of accounting, to challenge our systems that we are using to track the agencies and the outcomes that are there. Everything is funded by the taxpayer's dollar, and we do want to invite the American people and our constituents to join us and be a part of this team as we look for ways to root out waste, fraud, and abuse in our system. We want to be certain that for future generations, for my children, for my grandchildren, that this is a healthy, vibrant nation where hope and opportunity continue to live and continue to be realized by every American man, woman, and child who seeks to find that American Dream.

And I agree with the gentleman from Mississippi (Mr. WICKER) that all too often some of the liberal elites, those that are government elitists, their answer to everything is, just give us a little more money and we can make it right. And we know that does not work. Higher taxes do not yield greater outcomes. What yields greater outcomes is finding ways to do things better, constantly challenging ourselves to do things better, constantly working to find ways to root out that waste, fraud, and abuse that have become so rampant in our governmental entities.

Mr. Speaker, we are joined tonight by the gentleman from Texas (Mr. HENSARLING), who joined me in our freshman class in the 108th Congress, and he has been a leader in the effort to target waste, fraud, and abuse in the Federal system. He has done a tremendous amount of work on this issue. He has made it his cause and his challenge. He is a member of the Committee on the Budget and lends to that committee much of his expertise on how we can go about creating a better budget process and strengthening our government and strengthening our freedom for future generations.

Mr. Speaker, I yield to the gentleman from Texas (Mr. HENSARLING) for his thoughts.

Mr. HENSARLING. Mr. Speaker, I thank the gentlewoman for yielding to me. And I certainly want to recognize her for her great leadership in the United States Congress in helping root out waste and fraud and abuse. Her work on the Committee on Government Reform is known throughout the United States Congress. She has been a champion to make sure that there is accountability for taxpayer dollars so that we do something in this institution to protect the family budget from

the Federal budget, and I appreciate her leadership.

And I also appreciate the leadership of the gentleman from Mississippi, who spoke earlier. I had the pleasure to serve on the Committee on the Budget with him, and he has been a champion of less government and more freedom on that particular committee.

Mr. Speaker, I especially tonight want to thank our President. There is no doubt in my mind why our President was reelected. He is a man of vision and a man of bold leadership. It is under his leadership that we are going to be able to not only strengthen Social Security for my parents, who are in their 70s, but save it for my children who are both in diapers and know a whole lot more about Big Bird and Barney than they do about Social Security.

And I appreciate the President's leadership on this budget because the only way that we are going to be able to save Social Security for future generations is to do something to rein in the growth of the Federal Government, to root out that waste and that fraud and that abuse and duplication that we know permeates every single nook and cranny of the Federal Government.

For years and years, decades and decades, Washington has squandered money out of the Social Security trust fund. It is time for Washington to put it back. And the way that Washington puts it back is to rein in the growth of government.

I have listened to part of the debate earlier this evening, and I think it is very important, Mr. Speaker, that we first agree on what the facts are. We heard a lot this evening about cuts here and cuts there and cuts here and cuts there. What I find interesting is in the budget that the President is proposing, government is still going to grow. It is going to grow 3.6 percent more in the next budget than it did over this budget. What the President is doing, though, and something that it is absolutely novel in this town, is, it is not going to grow quite as fast as it has in the past.

Most people would be very interested to know, if they just look in their rearview mirror for a decade, government has grown on average 4.5 percent a year. That is over twice the rate of inflation. In other words, if we are happy with the government we had 10 years ago, its level of spending, if we just wanted to keep that same government, we would have grown at the rate of inflation. Instead, we have done almost twice that.

And perhaps more importantly, Mr. Speaker, the government budget has grown almost three times faster than the family budget over this same time period as measured by median worker income.

I have a hard time believing and my constituents in the Fifth District of Texas have a hard time believing, why, with the exception of a national emergency, does the Federal Government budget have to grow so much faster than the family budget? And guess what? They are related.

That money is coming from somewhere. It is coming out of the family budget, and it is going into the Federal budget.

What we call mandatory spending now amounts to 11 percent of our economy for the first time in the history of America. What we call discretionary spending in this body is now approximately 7 percent of our economy for the first time in a decade. We are spending over $20,000 for American households for only the fourth time in the entire history of the United States of America and for the first time since World War II.

It would be wonderful, Mr. Speaker, if all of this money that we were spending somehow magically turned into love and happiness and kindness. Unfortunately, all too often it does not. We have thousands and thousands and thousands of Federal programs spread across hundreds and hundreds of agencies. I defy anybody in this town to be able to tell me, what do they all do? And the examples we have of the waste and the fraud and the abuse and duplication are just profound. We read about it in our local newspaper every day.

It was not that long ago that we picked up our newspaper to find out that our Federal Government with our money spent $800,000 for an outhouse in one public park and the toilet did not even flush. The only thing it flushed was hard-earned taxpayer money down the drain, $800,000. And then we read about the millions and millions that were recently spent for an indoor rain forest in Iowa. And this does not even talk about a number of the questionable studies that we end up funding with taxpayer dollars.

I am not sure who thought up the use of taxpayer funding to figure out how and why college students decorate their dorm rooms. I am not sure exactly what vital Federal interest was being served by that. I think a number of my constituents would be surprised to learn that we spent over $2 million of their money to study the sexual habits of older men. Mr. Speaker, I do not particularly care to know what is in that study, and I feel fairly confident that my taxpayers in the Fifth Congressional District do not really care to pay for it.

And, Mr. Speaker, let me talk a little bit about duplication. We have over 342 different Federal economic development programs, 342 at last count. That is probably 342 different executive directors and deputy directors. How many different Federal economic development programs do we need? And, by the way, a very good question that needs to be asked is, what does the Federal Government know about economic development anyway?

The Federal Government, at last count, administers 50 different programs to aid the homeless, 50 different programs spread across eight different Federal agencies. Four agencies administer 23 programs offering housing. Six agencies administer 26 programs offering food and nutrition. Three agencies and ten programs attempt to protect homelessness. Three different agencies, 17 different programs provide mental health treatment. And, Mr. Speaker, this is a very important cause. We need to make sure that something is done about the homeless in our society. But how many different programs do we need trying to do the same, exact thing? It just speaks out for some kind of consolidation.

Drug control, we have more than 50 Federal agencies responsible for waging the war on drugs. Early childhood development, we have more than 90 different programs spread across 11 different agencies. Job training, seven agencies and 40 different programs. Mr. Speaker, the list goes on and on and on, and that is just talking about duplication.

Some of the fraud that goes on that I believe our constituents would be shocked to find out, in the last year of the Clinton administration, the Department of Housing and Urban Development just lost 10 percent of their budget, roughly $3 billion lost in improper payments. I mean, can one imagine for $3 billion how many Americans could have paid the down payment on their first home? Instead, government just squandered the money.

Why does this happen? It happens because government does not do anything as well as we the people. As one of my colleagues said, it is intoxicating to spend other people's money, and unfortunately, there are a number of Members of this body that are quite intoxicated with that power to go out and spend other people's money. And it is always easy to do it.

And speaking of other news articles that I have seen recently, I saw where a government official paid a taxidermy service with taxpayer funds to prepare a shoulder mount of a mule deer head, and according to the General Accounting Office, the deer was road kill and found by the official on the side of the road. And there are Members in this body who want to raise people's taxes to pay for more of that. It is example after example.

Recently, the Republicans in this House finally cracked down on one abuse, and that is, for years and years and years, the Medicare program paid almost four times as much for a wheelchair as the Veterans' Administration did. Mr. Speaker, how could that happen? We scratch the surface and what we discover is that one agency would competitively bid and the other would

not. I wonder how many small businesses across Texas and Kansas and Oregon and Vermont would be able to stay in business if they did not competitively bid their supplies? Fortunately, we managed to discover that one and do something about it.

I could go on and on all evening, Mr. Speaker, but the point is that these are just a handful of examples. If we cannot find 1 or 2 or 3 percent of waste in a government budget, Mr. Speaker, we are simply not looking.

□ 2130

We are just not looking. And if we are going to save Social Security for future generations, we have to moderate the growth of the Federal budget.

Now, again, liberals in this body are going to say the President is cutting here and he is cutting there. But you need to listen to the language of Washington, because it is not the language of the American people. When people in Washington say ''cut,'' what they mean is it is not growing as much as they would like to see it growing.

It is kind of like if your son comes up to you and says, Gee, Dad, you are giving me a $5 a week allowance, and I really need $10. You sit there and you think about it a while and you say, Well, Son, you make a good case. I have listened to what your expenses are. I am not going to give you $10 a week, but I will raise you to $7 a week. He says, Gee, Dad, that is a $3 cut. Don't you know I wanted $10? That is the language of Washington.

So I hope as the American people listen to the debate over this budget, that they listen very, very carefully, because what liberals call cuts really tend to be a moderation in the growth of government.

Again, if we are going to save Social Security for our children, we are going to have to moderate the growth of government. As my esteemed colleague from Tennessee was saying earlier, where is it chiseled in stone that we have to spend more money next year on a program than we spent last year? I have not read it in the Constitution, I did not read it in the Declaration of Independence, I have not read it in the Budget Act. But there are people here that say that if you care about farmers, or if you care about veterans, or if you care about school children, the only way you can show it is to spend more money next year than you did last year, regardless of what the results are, regardless of whether any kind of standards of accountability are being met.

So, again, Mr. Speaker, as people are telling us that all these budgets have been cut, they may be interested to know, for example, that over the last 10 years, education spending has increased 128 percent. It does not sounds like a cut to me. Agricultural spending has increased 42 percent over the last 10 years. It does not sound like a cut to me. Health and Human Services has grown by 80 percent. It does not sound like a cut to me. The Energy Department has grown by 56 percent. It does not sound like a cut to me. Agency after agency after agency has seen large increases in their budget for the last decade.

What we really have to be asking ourselves are two different things: What is the essential role of government in the free society, and how can government most efficiently meet those goals?

It is time, again, Mr. Speaker, that we do what the President wants us to do, and that is to moderate the growth of the Federal Government, so we can start to root out all the examples of waste, fraud, and abuse and be accountable to the people who work hard back in our districts and send this money to Washington.

Again, there is so much of this throughout the entirety of the budget; and if we only start to moderate the growth of Washington, then we can start to root some of this out. And we must do this. Our deficit is too high; our debt is too high. We need to save Social Security.

Yet Democrats who will talk about the deficit and decry the deficit, all they want to do is increase more spending, more taxes. They tell us that tax relief is the reason that we have a deficit. Well, I would invite them to go talk to the people at the IRS, talk to the people at Treasury. What you will discover is that tax revenues are up. We cut tax rates and tax revenues came up because we promoted economic growth. Tax revenues are up almost 10 percent over last year, because more people are saving and they are working and they are investing. Tax relief is part of the deficit solution, not part of the deficit problem.

Besides that, it is the deficit which is a symptom. Spending is the disease. By any measure whatsoever, Mr. Speaker, spending is absolutely out of control in Washington D.C.

In some respects, this is not a debate about spending. What it really is is a debate about who is going to do the spending. All my colleagues would like to see more money spent on education, housing, and health care; but we are not indifferent as to who does the spending. Bureaucrats and liberals want Washington to do the spending. We want American families to do the spending. We know who has our children's best interest for the future in mind, and it is not Washington. It is our constituents back home.

We must remember what Ronald Reagan once said, and that is the closest thing to eternal life on Earth is a Federal program. We need to change that, Mr. Speaker, for the sake of our children, for the sake of Social Security, and for the sake of the Republic.

I appreciate again the opportunity to speak out about the budget and to speak about ways we can protect the family budget from the Federal budget. I appreciate the gentlewoman from Tennessee for yielding, and I appreciate her great leadership on this issue.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas (Mr. HENSARLING) for being here to talk with us this evening and reminding us of some points that are so very important. I hear from my constituents, as he does, about that language of Washington and understanding when something is actually a reduction and when something is just slowed growth when some of the spending has been moderated. The gentleman is so exactly right.

What we would like to do, what the American people would like for us to do, is root out that waste, that fraud, that abuse of the system; get rid of the duplication of programs; eliminate the bureaucracy here that soaks up the money and allow that money to go to the local programs where the rubber meets the road and be certain that the dollars are spent wisely. As I said earlier, spend them wisely, or not at all; make sure we are making good decisions and being good stewards.

The gentleman mentioned a little bit about economic development and tax relief. As the gentleman from Mississippi (Mr. WICKER) said earlier, it is the reduction in taxes that has helped to spur economic growth, which is such a vitally important part of working on waste, fraud and abuse; the fact that we have a growing economy.

The other part, that we reduce spending; that we take a good solid commonsense approach to this; that we create the right environment for business to be successful; and that we continue to reduce programs that are not helpful to that, that add to the cost of free enterprise, that slow down the process of delivering government services. These are good, commonsense approaches.

I do applaud our President and our leadership for taking a stand and moving us in this direction.

Mr. Speaker, we are joined also tonight by a new Member of this body, the gentleman from Texas (Mr. CONAWAY), and we are so pleased to have him here with us. He is out of Texas' Eleventh District. I particularly like the fact that he has brought a lot of common sense to Congress with him. He is a good old Texas Aggie from Texas A&M, spent some time in the U.S. military, has appreciation for freedom, for protecting freedom, and understands the importance of protecting individual freedom and free enterprise.

At this time I yield to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank the gentlewoman from Tennessee and also want to compliment the two previous speakers on the excellent job

they did in setting out some of the things that we all want to talk about.

In the interest of fair disclosure, though, I do need to correct one thing. I went to Texas A&M at Commerce, Texas, which is actually the second largest institution in the A&M system. We were the Lions, not the Aggies. In fair disclosure, I need to set the record straight on that.

Mr. Speaker, I stand tonight in support of our efforts to aggressively eliminate waste, fraud, and abuse in our Federal spending. I am a CPA by profession. I have over 30 years of practice in helping clients and others deal with this issue in the world outside of government, and it is incredibly important in that arena, as it is in Federal Government.

I once spent 5 years working with President George W. Bush as his business partner in Midland, Texas, the chief financial officer of the oil and gas exploration company that we co-owned, and it was an exercise in meeting payrolls and providing jobs for people of west Texas, but doing so in a cost-effective and efficient manner.

We were getting other people's money to spend in the oil business to drill with, and it was incumbent upon us to spend those dollars as if we were spending our own money, wisely and with an understanding of how scarce they were, because folks trusted us with that money.

We in Congress have much the same role in that regard. We take money away from people at the point of a gun, for the most part; but that should not relieve us of our obligations to spend that money as wisely as we possibly can.

I believe that is important that we in Congress aggressively approach the issue of balancing the Federal budget from a business perspective. President Bush and this Republican Congress, of which I am very proud to be a part, are committed to spending the American taxpayers' hard-earned money as wisely as we can.

We seem to hear a lot about opposition in Congress these days, not only opposition in Congress to cutting waste out of our budgets and out of our organizations, but we also see debates on Social Security reform, abusive lawsuit reform, funding our troops and much, much more. The opposition we face in these critical issues has become almost par for the course, and I find it quite personally disappointing that we are unable to reach any kind of common ground as we search for solutions to the issues and problems that face our Nation.

Now to the issue of eliminating waste, fraud, and abuse. Surely this is one area that both sides of the aisle can find common ground on, an area we can agree that every single tax dollar that we, as I mention, take away from the citizens of this country, the working citizens of this country, should be spent in a manner and on programs that we in Congress authorize and provide for. We should all agree on the importance of cutting waste, fraud, and abuse from Federal spending.

But, Mr. Speaker, it is imperative that every Member of Congress take this issue seriously. We are a little better than 2½ years past the passage of the Sarbanes-Oxley bill, which looked at fraud in the public arena, publicly traded companies. There are men and women today who are on trial for committing fraud within that arena, and they are going to go to jail. They are going to do felony time for that. Those were serious issues, where they defrauded the investing public. We ought to be just as serious about that happening in Federal spending programs as we are in the public arena.

Here are some examples of waste, fraud, and abuse that hopefully everyone who listens would find offensive. Fraudulent tax returns. As I mentioned, I am a CPA and I have spent 30 years practicing, preparing tax returns for folks, helping them comply with the income Tax Code.

According to some recent data, more than a quarter of the tax returns claiming the earned income tax credit were prepared erroneously, accounting for up to 32 percent of the total claims for over a decade. The estimated errors and erroneous payments, should they have been eliminated, would have freed up $8.1 billion of tax dollars that we took away from the taxpayers of this country.

Another area is in the General Services Administration. Improper payments and duplicate payments for GSA credit cards occur primarily because cards are typically used without preauthorization for purchases, and controls to reconcile these purchases are inadequate. We have got a recent example of a GSA employee who spent over $32,000 during a 15-month period on her government credit card for personal expenses. We just simply cannot abide by that kind of conduct.

We have also got waste in the tax collection system. There is an overall problem with the way we collect taxes to fund the Federal Government. The problem lies in the complex Tax Code that we have built over some approaching 90 years, a little better than 90 years, I guess.

With a simpler and fairer Tax Code, we could take the tax industry that is kept in business by the need to comply with the Tax Code; we could take that industry on that is kept in business because of the needs of complying with this complex Tax Code.

The costs of complying with the Federal tax laws and regulations is roughly $250 billion a year. I would argue while much of this money goes to my CPA brethren and me to help our clients, it does not help businesses do a better job, whatever business they are in. It does not help them provide better surfaces. Drilling contractors in my districts do not drill for energy better because of this. This is simply a burden that they have to pay, year after year, to allow us to collect taxes.

We ought to be able to come up with a tax collection scheme that is simple and straightforward and fair and eliminates much of these compliance costs, which not only is a compliance cost, but generates a great deal of tax fraud in its compliance.

Waste, fraud, and abuse not only costs taxpayers unnecessarily; but there are two hidden costs I would like to speak of. The first cost is to legitimate participants in programs who may not get the services that they need because resources that would have otherwise gone to provide those services have been stolen or diverted by cheaters within the system.

As an example, in my hometown we have recently convicted a physician of fraudulently collecting fees from Medicare and Medicaid. This money, money that this person stole from the taxpayers of this country, should have gone to the providers in our area for treating patients, not for cheating.

□ 2145

Mr. WICKER. Mr. Speaker, I wonder if the gentleman would yield on that point, because I appreciate him making that very good point.

There are programs which are designed to help those people that cannot help themselves or that are at a disadvantage for whatever reason. The gentleman makes an excellent point that when someone cheats on a program like that, they are not only cheating the government and the taxpayers, but they are cheating the neediest Americans, the most disadvantaged Americans.

I wonder if I could go back to another point the gentleman from Texas made. Did the gentleman say that there is a 25 percent error rate in the earned income tax credit?

Mr. CONAWAY. Mr. Speaker, no, I think I said there was a 32 percent.

Mr. WICKER. Oh, my goodness. Okay, it is even worse than I heard. So 32 percent of the earned income tax credit is claimed erroneously or fraudulently, one or the other; is that what you are saying?

Mr. CONAWAY. Either by intention or by accident.

Mr. WICKER. The gentleman is an expert, and I am sure he can explain better than I can the purpose of the earned income tax credit, which is a worthy purpose.

Mr. CONAWAY. Well, that is right. The earned income tax credit was an attempt by this Congress to credit folks at the lower end of the earning scale for taxes that they would have otherwise owed to the Federal Government. It is a credit that is targeted directly to those who make the least

amount of money in our system, or in our economy, and phases out as folks' income goes up.

Mr. WICKER. And it is designed for parents of children and for working poor parents to help give them an extra opportunity. So when almost a third of the earned income tax credit money goes to people who are not entitled to it, certainly it hurts the people who would be entitled to it. Perhaps we could give a more generous benefit to the EITC families. Perhaps we could give a tax cut to other working families, or pay down the debt.

So I just appreciate the gentleman mentioning that very good point. And when he said it, I had to go back to the earned income tax credit, a program we are not proposing to cut in any way, but would it not be wonderful if we could find that one-third that is going to people who are not entitled under the law?

Mr. CONAWAY. Well, the good news is, we found a third of them, and there should be processes in place within the Internal Revenue Service to get that money back so that it does, in fact, go either to pay off the debt or to fund other government services.

Mr. WICKER. Mr. Speaker, I probably interrupted the gentleman's train of thought, but I just had to jump in on that very excellent point he was making.

Mr. CONAWAY. Mr. Speaker, while we are there, let me mention one other area of cost that waste, fraud, and abuse causes. Every single time we have an incident of waste or fraud, the regulatory agencies in charge put on layer upon layer of additional regulatory burdens to try to prevent it. I am not criticizing them for that, but that is just the way the system works. They try to figure out, how did this person cheat us, how can we put some additional regulations in place so that we do not let that happen again.

Every time that happens, legitimate providers of services for Medicare, as an example, or health care have to continue to comply with this increasing burden of regulations that we have put in place. This costs them money.

In a business, when you have to comply with a regulation of some sort, you either have to hire somebody to help you with that, a direct cost, or you have to allocate some resource within your organization who was previously working to help you make money and help you provide services to clients to comply with that. So either one of those costs those providers within the system money, and it is a direct result of cheaters in our system.

Now, I am not advocating that we do not go find the cheaters; let us go find them and point them out. But let us also help all of us understand that as people cheat, that increases government regulation; and all of us, particularly on this side of the aisle, campaign often on reducing government regulations, so there is a second cost that the cheaters put into the system.

Mr. WICKER. Mr. Speaker, I wonder if I could interject one other thing at this point. We are about to run out of time, and I do not know if we have complimented the leader of this Special Order quite enough. She has been very generous in her remarks about us.

Actually, the gentlewoman from Tennessee (Mrs. BLACKBURN) has been quite a champion in the area, particularly, of credit card fraud within the Federal Government. I understand this amounts to almost $100 million a year in lost taxpayers' money. The gentlewoman, I think, has introduced, along with the gentleman from South Carolina (Mr. WILSON), legislation to address this problem; is that not correct?

Mrs. BLACKBURN. Yes, that is correct. I thank the gentleman from Mississippi for bringing that point up, because we were concerned about the use of credit cards, primarily looking at what was taking place in DOD, and knowing that there was an opportunity there to rein that spending in.

Last year, the gentleman from South Carolina (Mr. WILSON) and I worked with Senator GRASSLEY, and we did introduce a piece of legislation that would bring that into line, because we feel like there is an opportunity to save about $100 million annually by putting some proper controls and working to be certain that there is not waste and that there is not fraud in the use of government credit cards by employees. That is just one of the many ways, just one of the small ways.

As I said earlier, we can go about this one dollar at a time, because those dollars mount up to hundreds, to thousands, to millions, to billions of dollars. And over a period of 5 years or 10 years, which is really not that long a period of time, it is substantial savings for the American taxpayer as they are working to fund government.

It is so important, I say to the gentleman, as he has pointed out, that government can do better and that we realize that and that we challenge our constituents to work with us on this.

It is also important that we participate by being certain that we stop funding things that do not work. If it is not working, if it is a program that is not working or has outlived its usefulness or is duplicated in other ways, then we need to look for ways to be certain that we are not funding things that are not working.

Mr. WICKER. Mr. Speaker, I know also, I would say to the gentlewoman, that she finds as refreshing as I do the remarks of our new Member who came to us from a business background and who is determined to work with us on this type legislation, someone who knows whereof he speaks when he says he has taken other people's money and had to invest it wisely and make sure that it was used efficiently.

Mrs. BLACKBURN. Mr. Speaker, if the gentleman will yield for just a quick point, it is so refreshing to see members of the freshman class come in and join us on this issue. My freshman class made waste, fraud, and abuse its class project.

The gentleman from Texas (Mr. HENSARLING), who was just here, was one of the founders of a group that we call the Washington Waste Watchers to draw attention to this subject. So we are so pleased, after having put a tremendous amount of work over the past couple of years on this.

Also, the gentleman from Virginia (Chairman DAVIS), who chairs the Committee on Government Reform, has put an incredible amount of time over the past 2 years with that committee, holding hearings and having reports, getting things on paper so that we are beginning to find out what is and is not working; who is and is not accountable for their money, what agencies are producing results, what agencies are not producing results. We can go back and look at the Treasury books from the year 2001 to see that the Federal Government cannot account for $17.3 billion. Now, to my constituents and for all of us, that is not acceptable.

Mr. WICKER. Mr. Speaker, if the gentlewoman would yield on that point, the Federal Government could not account for $17.3 billion, with a ''b''. That means that $17.3 billion is just gone and the Federal Government cannot say what happened to it. Can we imagine? But this comes not from some story in some newspaper of doubtful authenticity, this comes from a report of the Department of the Treasury, the 2001 financial report of the United States Government.

Mr. Speaker, $17.3 billion with a ''b'', and we do not know where it went.

Mrs. BLACKBURN. Mr. Speaker, that is right. The Office of Management and Budget in their budget of the United States Government, fiscal year 2003, people can go to page 48 in that report and they will see how the OMB shows us that 21 of 26 departments and major agencies received the lowest possible rating for their financial management, meaning that the auditors cannot even express an opinion on their financial statements. Our colleague from Texas, who is a CPA, understands exactly what that means. We had 21 of 26 departments and major agencies that got the lowest possible rating.

Now, what we are saying, as the gentleman from Mississippi (Mr. WICKER) said, government can do better, we can do better. The American people, as taxpayers, expect us to do better. It is our responsibility, being a good steward of those dollars, that we do a better job, that we require government to do a better job. That is the purpose that we are setting forth.

I agree and I join each of the gentlemen who has spoken tonight in commending our President and our leadership in saying, the time has come to address this. We have to rein the spending in because we need to know what we are spending, where it is going, and what the American taxpayers' dollars are being used for.

Mr. WICKER. Well, let me just say, and these will be my final remarks and then I will yield back to the two of my colleagues for whatever they might want to say; I just look forward to working with my three fellow Representatives who have spoken on this Special Order tonight, and with the President, to say that we can be more diligent in the way that we spend the taxpayers' money, we can be more efficient, and we can continue in our effort to root out waste, fraud, and abuse in our government.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Mississippi for joining us tonight.

I yield to my colleague from Texas for any final remarks that he may have.

Mr. CONAWAY. Mr. Speaker, as I said earlier, the Congress should approach Federal budgeting in a more businesslike manner. I, too, do not understand how underperforming Federal agencies or programs can continue to receive funding year after year without being held to account. In the real world, a business owner who manages his or her own business this way would soon find themselves out of business. Instead, Washington seems to reward that behavior.

Mr. Speaker, our President has proposed a budget that will serve as a good starting point for Members of this Congress as we begin to craft a budget that respects and honors the wishes of the hard-working American taxpayer. I urge my colleagues on both sides of the aisle to join us in crafting solutions, and not just blind opposition, to wasteful programs that hamper our Federal Government.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas for joining us this evening.

Mr. Speaker, before I came to Congress, I had the opportunity to represent Tennessee's 23rd State senate district. While I was in that body, I had worked on government reform issues and came up with a plan that would have called for across-the-board spending cuts. I certainly believed that State agencies could get in there and find waste, fraud, and abuse within their operations, and they could cut it and better serve the taxpayers of my State.

Of course, at the time that I came up with my plan, the 5 Percent Solution, it was criticized by so many as being too harsh. The word was, well, people will not accept that kind of accountability. A few years later, many of those reductions were actually put in place. And do my colleagues know what? Things started working a little bit better in Tennessee.

Today, we see some of that same press in Tennessee calling the taxpayers and the President's plan, Congress' plan far too harsh. I read some of those headlines earlier. But I do not think that some of the media, the liberal media has been paying attention to what has been taking place in some of our States.

According to the National Association of State Budget Officers, in fiscal year 2002, 26 States implemented across-the-board spending cuts, 15 States downsized State government employment, and 13 States streamlined government programs. We hear all the time that our State governments are great laboratories for new programs and new projects and creative government solutions, and this should be a lesson to us here at the Federal level, because it is not impossible to root out waste, fraud, and abuse. It is our responsibility to do so.

□ 2200

Here are some of the headlines that we have found of what is going on in some of the States. In Alaska where Governor McCaskey proposed cutting 21 State programs and 200 jobs; in Colorado where the legislature passed an $809 million budget-balancing package which eliminated some 200 State employees.

We are looking forward, Mr. Speaker, to working with the leadership in rooting out waste, fraud, and abuse.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 418, REAL ID ACT OF 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–3) on the resolution (H. Res. 71) providing for consideration of the bill (H.R. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence, which was referred to the House Calendar and ordered to be printed.

IRAQ WATCH

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes.

Mr. INSLEE. Mr. Speaker, for some time now, several of my colleagues and myself have come to the floor of the House to address issues surrounding our national policy in Iraq, and tonight we intend to have a few comments in that regard, particularly in regard to the budget and how the budget refers to our ongoing efforts in Iraq. And I was thinking about that in combination with the President's suggested budget the other day.

That same day I was looking at the President's budget, I was reading a story about 3 GIs who were walking through a town in central Iraq, and they were trying to alert people about essentially the polling activity and the election activity that was going to go on, but they knew they were in a very hostile environment when they were doing so. And a group of them, about nine soldiers were walking through an area, and they were just sort of handing out leaflets to folks about the election activity to let them know where they could vote and what kind of security was going to be provided, and a shot rang out. The leader of the platoon was shot and went down, and they immediately started to receive fire from all points of the compass.

The thing that struck me is that it said what immediately happened is two of the soldiers who were near the fellow who was shot immediately, instead of taking cover, jumped up and sort of literally sort of shielded the injured GI with themselves as they returned fire. That is just one of the many acts of heroism that our troops have been involved with in Iraq.

What it made me think about was, to ask the question frankly, whether back home we are matching the responsibility and the values and the heroism that are going on in Iraq. Because whatever you think about the Iraq policy, and I voted against the Iraq war. I thought the President's assertion that Saddam Hussein had weapons of mass destruction was overstated, that his assertion that Saddam was responsible for September 11 was inaccurate, and I voted against the war. But, nonetheless, all of us respect what our GIs, Marines, and other service personnel are doing in Iraq.

And the question I was just thinking about is whether or not their courage and responsibility and the values, American values they are displaying in Iraq are sort of met on the domestic side here in Washington, D.C., particularly in regard to the budget that this administration has just proposed to the people in the U.S. Congress.

I was thinking about how you would test the budget that the President has proposed against the values that we are seeing by our troops in Iraq. And in thinking about it, it became pretty clear to me that there are some real questions about that, about whether this budget really is up to snuff and up to the level of character that we have seen of our people in Iraq.

Let me give the first example that comes to mind. We now have literally

thousands of our sons and daughters, husband and wives coming home injured from Iraq, some very, very seriously. In fact, one of the most disturbing things about this war is, because of our excellent medical care, we are actually having people come back from Iraq with more devastating injuries than other wars because we have been successful in saving lives. But people are coming back with very, very debilitating injuries. And they are coming back to a system that we would like to see is eminently successful in treating them, the veterans health care system.

The first question I think we ought to ask about the President's budget is does the President's budget in the veterans health care system meet the heroism and the commitment and the sacrifice that our troops have put on the line in Iraq?

So when I looked at the President's budget I was absolutely flabbergasted to see what the budget proposal from this administration has in mind for our injured people coming home from Iraq. Now, one would think that an administration that took our country into war in Iraq, sent our sons and daughters into combat, knew they were coming back by the thousands with missing arms, shattered faces, difficult trauma to deal with, one would sort of think that the budget would rush to their aid and embrace them with the arms of Americans who so much have embraced our troops and their spirits and their prayers since the war began.

One would think that the spirit that I saw at an old car wash being organized in Redmond, Washington that people had to send money and gifts to troops to help them through their trials, one would think that that same spirit would be imbued in the budget put forth by the President. I must sadly report that in looking at the President's budget, this budget stiffs our heroes coming back from Iraq. It cuts their benefits. It increases what veterans have to pay to get medical care they should have for free. It reduces our national commitment to veterans in meaningful ways. And I can reach no other conclusion than that the budget falls well short of our national commitment to our veterans.

This President who started a war in Iraq, a war that has caused such debilitating injuries, has proposed to make our veterans coming home from battle pay more out of their pocket for prescriptions and to get medical care. How is that consistent with the values of America? How is that consistent with what we expect when we want to honor our troops, to dishonor them by cutting the veterans health care system and making veterans pay more out of their pocket, a co-pay for their health care?

Where is the honor, I ask the White House, in cutting the benefits available for our troops coming home from Iraq? Where is the honor in requiring our veterans to pony up $250 who are in certain categories even to get their health care? Where is that family value?

It seems to me that there ought to be a bipartisan consensus, that there ought to be family values, that if you send your son or daughter into harm's way for the benefit of your national family, that when they come home, if anything, you ought to increase the benefits that we have available to these folks. But that is not the case in this President's budget, because this President really had to face a choice in this budget. It was pretty clear.

We have over a $400 billion deficit today, and this President really had to face a choice between two competing values. One value would be to provide for the health care of our veterans. One value would be to preserve the President's favored tax cuts for people who earn over $400,000 a year.

Now, in order to at least staunch the red ink which, by the way, this does not do because this budget still does not decrease the deficit. It increases it. But one way to do it, this budget had to make a choice; this budget had to choose between two values. It had to choose between the value of honoring our veterans or the value of honoring those folks who earn over $400,000 a year and to make their tax cuts they got permanent. The President chose to honor that less than half of a percent of Americans to make those tax cuts permanent and abandon the value of honoring and embracing the health care needs of our veterans.

Budgets are not just monetary issues. They are statements of values. They are statements of what we believe in as a country. They are statements of what you hold most dear. And it is clear that this budget says that the most dear value that this budget reflects is the value of keeping those permanent tax cuts for people earning over $400,000; and the people who are coming home from Iraq with missing eyes and shattered bodies and shattered psyches and missing limbs, who are coming home trying to rebuild their lives, they can just go fish according to this budget because they are going to have to pay more to get basic health care now.

Now, I do not think those are the values of America, the values that my constituents have, my neighbors have, Republicans or Democrats. Because I have to tell you, the Republicans and Democrats that I talk to and I represent in my district in Washington State, I think if you ask people on the street if it comes to a choice between those two things to reduce the deficit, what should you pick, I think it is about 95 percent would pick to give health care to veterans. But that is not a choice this White House made, this administration made; and it is sad.

I hope that we in this Chamber in a bipartisan way can join to preserve, defend, and protect those who preserved, defended, and protected us, which is our veterans. And it is not being done in this budget, and this is a symptom of an illness of this budget in total because it has sacrificed numerous values on the cross of making these President's tax cuts for people who earn over $400,000 a year, that that value trumps everything. It trumps health care for veterans. It trumps reduction of the deficit. It trumps cleaning up nuclear wastes that are going into the Columbia River in my neck of the woods. It trumps cleaning up other Superfund sites around the country. It trumps enforcing our clean air laws so that our children do not get asthma.

This President puts that value above every other value that we have, Americans now have to have a chance to express in this budget; and it is sad and it is wrong and it is not consistent with the American values, I believe, on a bipartisan basis are held.

Now, the gentleman from Ohio (Mr. STRICKLAND) has joined us, who has been an absolute stalwart talking about the importance of maintaining veterans benefits.

Mr. STRICKLAND. Mr. Speaker, I want to thank my colleague from Washington State.

This is a serious time in the history of our Nation. We are facing a lot of problems. We have lost well over 1,440 lives in Iraq. We have had literally thousands, 10,000 or more seriously injured. And yesterday we received the President's budget. And a part of that budget had to do with veterans health care.

Now, at a time when we have lost so much and are continuing to lose soldiers in Iraq, when the death benefit for the family of a lost soldier I think is currently $12,500, the administration had indicated that they would support increasing that up to $100,000; there is no mention of that in the President's budget.

□ 2215

There is no mention of that. There is no budgeting for this increased benefit for the families who have lost loved ones in this war. That puzzles me. But there are other things in this budget that puzzle me regarding veterans.

People listening to this, I would say to my friend from Washington State, may interpret this as just partisan bickering, and so I would like to share a press release that came from the Veterans of Foreign Wars. This is not a political group. This is a group devoted solely to trying to advocate for veterans who have participated in foreign wars.

The heading of this press release is ''The President's 2006 Budget Disappoints the VFW,'' and it begins, '''The President has delivered a disappointing funding request for the Department of Veterans Affairs,' said the

leader of the Veterans of Foreign Wars of the U.S., in reaction to the administration's fiscal year 2006 budget request that was released today.''

I will not read the entire letter, but I will read parts of it. ''Two key issues are the proposals to charge a $250 enrollment fee that would impact approximately 2.2 million veterans and a prescription copayment that would more than double from $7 a prescription to $15'' a prescription.

It continues, ''The VFW is concerned that the enrollment fee and the prescription copayment increases will cost some veterans thousands of extra dollars in health care expenses, while driving others away from the VA.

''The message this budget communicates,'' the VFW says, ''is that part of the Federal Government's deficit will be balanced on the backs of military veterans.''

Listen to this. This is amazing. The budget proposal from the President slashes $351 million from veterans' nursing homes that will result in 28,000 fewer veterans getting nursing home care, and it reduces State grants from $114 million down to just $12 million. It cuts $4 million from medical and prosthetic research. At a time when we are having soldiers getting their arms and legs blown off in Iraq, this President sends us a budget that cuts by $4 million money for prosthetic research.

Mr. INSLEE. Mr. Speaker, I want to ask if the experience in Ohio is the same as it is in Washington. The gentleman has just read quite an extensive list of multimillion dollar cuts to the services that the VA system can provide for veterans. That may seem like abstract numbers, but I want to ask my colleague about this.

In Washington State, veterans now, in the existing budget before the cuts, are waiting months and months and months to get in for basic health care because even the existing budget does not allow them to get help. And so I talked to World War II veterans who literally are waiting months, and these are people in their upper 70s, to get basic health care with the existing budget.

This budget purports to cut multiple millions of dollars to reduce that, to increase the waiting line so when a person needs to go in to get various body parts checked, from their urinary tract to their cardiac function, they are in a waiting line. The people who went on the sands of Iwo Jima, they did not want to go to the back of the line. They went out the front of the boat. Now this budget is going to make the waiting longer.

That is the experience in Washington. I just wonder what the experience is in Ohio.

Mr. STRICKLAND. Mr. Speaker, well, I think what the gentleman is describing is true all over the country. It is less problematic in certain areas and much more problematic in other areas.

I just shared a press release from the Veterans of Foreign Wars regarding the President's budget. I have here a second press release from the national commander of the American Legion regarding the President's budget.

It begins, ''The leader of the Nation's largest military veterans organization reacted strongly to the effects that President Bush's budget plan will have on veterans. He called it a smokescreen to raise revenue at the expense of veterans.

'' 'This is not acceptable,' said Thomas P. Cadmus, national commander of the 2.7 million member American Legion. 'It is nothing more than a health care tax designed to increase revenue at the expense of veterans who served their country.' ''

This is not the gentleman from Washington (Mr. INSLEE), the Democrat, or the gentleman from Ohio (Mr. STRICKLAND), the Democrat, speaking. This is the national commander of the American Legion.

The fact is that when the President first came into office, most veterans were required to pay $2 for a 30-day prescription. The President increased that almost immediately after coming to office from $2 to $7, and in this budget, he is asking that the price to veterans be increased from $7 to $15.

As I have said before on the floor of this House, many of our veterans take 10 or more prescriptions per month, and so the President wants to increase their burden. The President's budget also calls for an annual $250 user fee that many veterans would have to pay just to use a VA facility. This is unconscionable.

Here is what we have: Young Americans fighting this war, many losing their lives, many more being terribly injured, coming back home; and what they are going to find is a VA health care system that is being woefully underfunded by the President who chose to send them to war. That is a serious matter, but it is not just my opinion. It is the opinion of the major veterans organizations in this Nation.

I do not think this is an accident. I think this is a planned effort on the part of the administration to significantly reduce the money they are putting into VA health care.

I want to share with my friend from Washington State something that he may already know, but for 24 years one of our colleagues, a Republican Member, the gentleman from New Jersey (Mr. SMITH), has been a member of the Committee on Veterans Affairs. For 24 years he has served on that committee. For the last 4 years, he was the Chair of that committee.

The gentleman from New Jersey (Mr. SMITH) is, in my judgment, the most prolife Member of this body. I do not always agree with the gentleman from New Jersey (Mr. SMITH), but I admire him as a man of principle and character and courage.

The gentleman from New Jersey (Mr. SMITH) was recently removed, not only as the Chair of the Committee on Veterans Affairs, he was taken off the committee altogether after years of service. What had he done wrong? Well, apparently it was because he was an advocate for veterans. He wanted this President and this leadership in the House of Representatives to give adequate funding for VA health care, and so he was stripped of his Chair's position and he was removed from the committee.

Think about that. He had been on that committee for almost a quarter of a century, and 10 national veterans organizations wrote the gentleman from Illinois (Speaker HASTERT) a letter, urging the Speaker to keep CHRIS SMITH as the Chair of the Committee on Veterans Affairs.

I just want to tell my colleague who those people were and the organizations they represent: The executive director of the American Legion; the executive director of the Veterans of Foreign Wars; the national adjutant of the Military Order of the Purple Heart; the executive director of the Paralyzed Veterans of America; the national president of the Vietnam Veterans of America; the executive director of the Disabled American Veterans; the national executive director of AMVETS; the executive director of the Blinded Veterans Association; the executive director of the Jewish War Veterans; and the executive director of the Noncommissioned Officers.

They all signed this letter to Speaker HASTERT, and they said in this letter, among other things, ''In our view, it would be a tragedy if CHRIS SMITH left the chairmanship.''

They went on to say that ''The unnecessary loss of his leadership, knowledge, skill, honesty, passion and work ethic would be a deeply disturbing development, not just to us, but to the millions of veterans across the country whose lives he has touched.''

What did Speaker HASTERT do? He ignored the plea from these 10 national veterans organizations. He removed the gentleman from New Jersey (Mr. SMITH) from the chairmanship of the Committee on Veterans Affairs because he was an advocate for veterans.

So I am not surprised that the President's budget woefully underfunds VA health care, because I think it was part of the plan; and in my judgment, they had to get rid of the gentleman from New Jersey (Mr. SMITH) so that they would not have one of their own being critical of the President's budget in the VA Committee.

Mr. INSLEE. Mr. Speaker, this is a bit of an unusual thing that a Democrat is praising the gentleman from New Jersey (Mr. SMITH), the former Republican Chair of this committee in the House, and I want to just ask this:

My perception of this is that here we had a Republican Member who is stalwart in attempting to preserve and improve the veterans' health care in our country, who was willing to rock the boat to do that, had the moral fiber to do that, and was in a sense excommunicated because he had the willingness to stand up to people who stood up at Guadalcanal and the people who stood up in all of those places whom we have had harmed, and he was a bit of hero I believe myself, and I am just going to ask my colleague to categorize this.

I think what the Republican leadership and, by extension, the White House, which I have to believe had some knowledge of this, was a slap in the face of every veteran in this country. Do you think that is a fair characterization?

Mr. STRICKLAND. Mr. Speaker, I think it is. In fact, if I could just share something else with my colleague, this is a letter to the Wall Street Journal that was written also by Mr. Thomas P. Cadmus, who is the national commander of the American Legion, from the national American Legion's headquarters, and it criticizes a statement that was made by an administration official, Mr. David Chu.

Who is Mr. David Chu? He is the Pentagon Under Secretary for Personnel and Readiness. And Mr. David Chu was quoted as saying that ''Veterans' pay and benefits are,'' and I am using this word from his statement, ''hurtful, hurtful,'' and are, quote, ''taking away from the Nation's ability to defend itself.''

Here is a member of this administration blaming veterans, saying that because of their benefits they are somehow interfering or taking away from this Nation's ability to defend itself. I mean, that is really pathetic. It is pathetic. And the national commander of the American Legion wrote this letter to the Wall Street Journal complaining about David Chu's statement.

So what I think we are seeing here is a calculated effort to reduce funding for veterans' health care and veterans' benefits, and the President, quite frankly, has got to be responsible for this. I mean, he is the commander in chief.

And let me point out something else to my colleague. Right now, when a serviceperson loses their life, there is a $12,500 gratuity or compensation made available to the survivor, the survivor's spouse or to the family.

Now, we are in the process right now of offering bonuses of up to $15,000 for many of our soldiers to get them to enlist.

□ 2230

In some cases, for Special Operations Forces, we are told they are being offered a bonus of up to $150,000 to remain active in the military. So a suggestion has been made, and I have signed on to legislation, I think probably my friend from Washington State has as well, that would increase this death benefit to $100,000. That is certainly not enough, but it at least is a reasonable effort on the part of this Congress to increase those funds from $12,500.

I have gone to several funerals in my district, for soldiers who have been lost in Iraq. We have lost from the Ohio Sixth Congressional District six soldiers already. Two of those men were in their late 30s and the others were in their early 20s. So it is quite pathetic, I think, that this country would offer the survivors $12,500. And if we can increase it up to $100,000, that may be more helpful to the families left behind.

The fact is, there is no mention of this in the President's budget, and that really puzzles me. Why is this not accounted for in the President's budget that he just released to us?

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, I think what is disappointing about the President not putting it in his budget, is that we probably have over 160 or 180 cosponsors of this bill to raise that benefit for the families, yet it is still not there. And it is really just one of a whole suite of insults for the people coming back from Iraq and Afghanistan.

Do not forget the contributions of our people in Afghanistan who are suffering and still dying in Afghanistan.

What is so troubling to me, and I think a lot of my constituents, are two aspects. You have to ask yourself: How could an administration in the middle of two wars even think about cutting benefits to veterans? How could you possibly do that? I am trying to think, how could there be any possible rationale to do that when you have these people coming home in such dire straits?

I think there are two things going on here: One, I suspect that the people who are coming up with these cockamamie, unfair, inequitable, I am going to call them un-American ideas, maybe that is a stretch but I am going to say that, when we are talking about heroes of the American Nation? How can you deign to raise copayments, charge them $250, make them stand in line longer, make them wait longer to get cardiac care? How can you even think about doing that?

I think one of the things is that these folks who are making a pretty good salary, who are in the agencies and working at the White House, who are driving a decent car, kind of think, Oh, it is $250. Big deal. What is $25 extra for a prescription? Big deal. That is just pocket change. Falls out of crumbs or tips at lunch around here in Washington, D.C. On K Street, where lobbyists hang out, that is just tip money.

I think people forget when they try to stick injured GIs with this, they forget these folks are just absolutely scraping when they come back.

I saw a story about a family who lost a young father and husband in Washington State, and they interviewed the widow, who had four children, and they were living in the basement of their parents' house. She was trying to get enough to get back to community college to try to earn a living to support these four children. It was really a matter of feeding and clothing these kids. And $250 is the difference between making it and not making it to these folks.

I think people making these decisions forget that. They just are not in touch with that, number one.

Number two, and this is the basic flaw of the entire budget, I think, is that the folks who drafted this budget have a view about our wars in Iraq and Afghanistan, and their view is that there are only a certain very small percentage of Americans who should bear all of the burden of these wars in Iraq and Afghanistan. It is the view of this administration that only those select individuals should take the entire weight of this conflict, not only in their physical health and whether they live or die but in their fiscal burden as well, and those are the people actually serving in the military in Iraq and Afghanistan. Nobody else in America should have any bit of sacrifice associated with this war in Iraq and Afghanistan.

I do not think that is the American way. And I do not think Americans really expect that. Americans believe that it is not only the GIs who should be the ones bearing some sacrifice from this endeavor. Yet the President wants to take every single dollar we spend there and make it deficit spending.

The part he will not make deficit spending, that he is too embarrassed to put on his debt on our grandchildren because he has a deficit that has blown through the roof, and it is terribly embarrassing, the part he will not make a deficit to put on his debt on our grandchildren, he will put on our veterans by cutting their health care.

These are the very people who lost their limbs. He wants them to bear all the burden. He does not want to ask anybody else in America to be associated with this. And that is wrong.

Mr. STRICKLAND. If my colleague will yield, what the President and what the administration will say is that they are increasing funding for VA health care, and on the books it looks as if they are. But much of that increase is coming from the veterans themselves because they are calculating as a part of their budgeting process the $250 annual user fee that they are going to charge veterans. They are calculating the increase that they are going to get from charging veterans more for their prescription drugs, so that will go into the till; and they count that as increased funding for VA health care. So, quite frankly,

they are asking veterans to fund their own health care.

Now, the gentleman from New Jersey (Mr. SMITH), as I said earlier, was replaced as Chair of the Committee on Veterans' Affairs, and we have a new Chair who has been quoted as saying that he thinks the VA should focus on the core constituency, those with service-connected disabilities and the very poor. But, quite frankly, the people that they are referring to as higher income can be making as little as $22,000 and be considered higher income and be expected to pay this $250 annual user fee and the increased cost for medications.

Now, if you are making as little as $22,000 a year and you have expenses and you have a lot of medical needs and you need a lot of prescription drugs, then you are not high income.

Folks in this Chamber, I do not know exactly how much we make, quite frankly, but it is over $150,000 a year. We are pretty well paid here. The American people need to know that. We are pretty well paid. But what about the veteran who is making a little over $20,000 a year? And the people in this Chamber have the gall to say that those veterans ought to pay more? They ought to pay more?

It is, quite frankly, shameful. And that is why we are here. That is why we are talking about this. Because the veterans of this country need to know what the truth is.

Now, the President said in his State of the Union address not many days ago, standing at that podium right up there, he said, ''Society is measured by how it treats the weak and the vulnerable.'' We have an aging veteran population in this country. More and more veterans are in need of nursing home care, and what does this budget do, the President's budget? It cuts funding for veterans' nursing home care. At a time when the need is increasing, there is less money for it.

It is, quite frankly, shameful. There is no other word that is adequate to describe it. It is a shameful set of circumstances that we are facing. I would hope that the veterans of this country would understand what is being done to their health care system.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, let me add that it is not just the veterans of this country that we think should be rightfully outraged about this insult to veterans. It is also those of us who have our liberty because of veterans.

I did something a little unusual for me; I actually watched the Super Bowl this year. It turned out to be a good game. It was very, very unique in Super Bowl history. I think the wrong team won, but still a good game. And the most telling commercial to me, which they always talk a lot about, the Super Bowl commercials, was the scene where you are like in a train station waiting room or an airport waiting room and you see people milling about, and then they all of a sudden somebody started clapping. You cannot see what they are clapping at, at first. Then the clapping rolls and pretty soon everybody in the room is clapping. Then you see these troops coming by, we assume coming back from Iraq or Afghanistan, and pretty soon the whole group is clapping.

I think that commercial really did encapsulate how Americans feel about our sons and daughters and husbands and wives who serve there. This is really deep and touching and it is good for America.

During Vietnam, there were a lot of disagreements. The gentleman from Ohio (Mr. STRICKLAND) and I had enormous disagreements with the President about Iraq, and a lot of my constituents, a big majority of my constituents had a lot of disagreements. But to a person they felt the same way about our GIs coming home; the Marines, soldiers and sailors. That commercial showed people wanting to applaud them as they came home.

That is the spirit of America, yet this administration draws a budget that reduces the protection that these folks ought to have after coming home from the front line. That is just totally out of touch.

The veterans are a very uncomplaining group. I find veterans to be the least demanding group, perhaps, of any people I work with. It is just not in touch with the spirit of America of wanting to embrace these people.

It is denigrating their contribution. It is not understanding how deep people feel about the sacrifices that these folks have made in Iraq and Afghanistan. That is why we will have a very vigorous effort to restore this funding.

Mr. STRICKLAND. Mr. Speaker, I would tell my colleague from Washington that a gentleman by the name of J.P. Brown, who has a weekly radio show where he talks about veterans' issues, had me as a guest on that show recently. I talked about what happened to the gentleman from New Jersey (Mr. SMITH) and what was going on with VA health care funding. Mr. BROWN has said that he has gotten more calls from listeners than he has ever received before.

I suspect that what we are talking about here tonight will be changed, because I do believe the veterans of this country and those who care about them are going to speak up and speak out.

I shared part of a press release from the Veterans of Foreign Wars. I would like to share a few more comments from that press release. This press release from the Veterans of Foreign Wars says, ''This budget will cause veterans' health care to be delayed and may result in the return of 6month-long waiting periods. That is especially shameful during a time of war.''

Then it continues: ''The VFW national commander is now calling on all 2.4 million members of the VFW and its auxiliaries, as well as all service members and their families, to urge their congressional Members to correct the shortfalls in this budget.''

Then the press release concludes with this statement. ''Without the American soldier, there would not have been a United States of America, and I shudder to imagine the rest of the world. Our Nation must honor its commitment to care for those who are ultimately responsible for every liberty we enjoy today.''

So my sense is that the leadership of the various veterans' organizations in this country are going to mobilize their members to descend upon this Capitol, at least through e-mails and letters and phone calls, faxes, and so on, to demand of their Representatives, our colleagues in this Chamber, that this shameful budget, especially the parts that deal specifically with veterans' health care, be rejected by this Congress, and that we do what we should do, which is to provide adequate funding so that those who are in need of health care, those who have served the country and are in need of health care, have the ability to receive it in a timely manner.

Mr. INSLEE. If my colleague will yield once again, it seems to me our goal ought to be a policy that we can be proud of. This is not a budget to be proud of on behalf of our veterans.

I just want to reiterate, and continuing along the same vein that the gentleman from Ohio (Mr. STRICKLAND) has, I want to read from what Mr. Thomas Cadmus, Director of the American Legion, said in questioning this budget. He said, ''Is the goal of these legislative initiatives to drive those veterans paying for their health care away from the system designed to serve veterans? The President is asking Congress to make health care poaching legal in the world's largest health care delivery system.''

□ 2245

Health care poaching, instead of assisting the veterans, is not a budget America can be proud of. That is why we are going to continue this effort, and we hope others will join us to make sure that the sacrifices of our men and women in Iraq and Afghanistan are honored with a budget that America can be proud of and can stand up and defend. This President's budget falls way short and it must be changed.

THE BUDGET AND IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. BOUSTANY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I address the House tonight in regard to an issue that of course I have brought to the attention of my colleagues many times in the past. I continue to offer my observations about the issue of immigration and immigration reform.

I would, however, like to preface those remarks with some observations dealing with the issue of the President's budget and the general state of affairs of the Nation in terms of our deficit and the health of the economy.

Certainly I do so as a result of listening to my colleagues and their colleagues preceding them tonight attacking the budget for being so sparse, I suppose. A $2.5 trillion budget, not meeting the expectations of many of the Members who have come to the floor tonight, and hoping a political advantage can be gained in their attempts to characterize this thing as a disaster.

But the real disaster it seems to me, Mr. Speaker, is the fact that we have a budgeting system here and a budget in and of itself which is out of control, record deficits even in light of the sparse and lean budget that was presented by the President. It still has a $425 billion figure attached to it in terms of a deficit. I imagine since it is in the President's budget, he does not account for the supplemental that he is going to request in a short time, $80-some billion, we are not sure exactly how much, or the transition costs for Social Security. And if we add those, the deficit would be dramatically higher.

So I have concerns myself about the budget. I have concerns not that it is providing too little to run the government, but in some ways not being accurate in ways it defines the problem or the solution because the problem is horrendous. We have a budget that is a reflection of course of the needs, wants, and desires of Members and their constituents; and that is as the process, I suppose, should be. If we recognize what that budget does in terms of what our role here is, and after all of the rhetoric about the veterans who will not be receiving health care and the children who will be dying because they do not receive nourishment, all of these incredibly bombastic statements which have been made by the folks on the other side of the aisle about this budget, the fact is if you just do this, and I am not going to dwell on it a long time because there is another issue I want to address, but it does make one think about what the Founding Fathers would have thought about a budget of this nature and how they would have tried to rationalize the Federal Government spending the money it spends in all of the areas in which it operates, and wondering about the extent to which any of these things are required by the Constitution.

The Constitution actually is the blueprint for the Federal Government, what it is we are supposed to do. The 10th amendment makes it clear if the power is not given to us in that document, it rests with the States and the people. Actually we can look far and wide. You can scrutinize the Constitution with a microscope, and you will not find any reference to education being a responsibility of the Federal Government. It is not. It is not there. Yet 50 to $60 billion, I have forgotten the exact number being proposed, but many billions of Federal dollars being proposed for educational services, and that is not even in the broader areas of higher education, just in K–12, and Health and Human Services and highways, all of things that we do here which are extraneous to our task. The task is to protect and defend. That is really the role we have at the Federal level. States cannot raise armies and provide for the general defense of the Nation and the common defense; and so, therefore, the Federal Government must do that. That is our role.

Every year we do more and more other things; and unfortunately we do not spend as much time, energy, and resources on the things required of us under the Constitution. So once you establish this incredibly generous activity on the part of the Federal Government and Federal taxpayers to fund all of the myriad of things in that budget, agricultural subsidies, educational subsidies, highway subsidies, Amtrak, I can go on and on, all of the things that are not our responsibility but have become such as a result of the years of indulgence, essentially. If you can just take all of that away and look at what our primary responsibility is and how we should be funding that, we could do it easily and we would have money left over for tax cuts, but we are told that the world is coming to an end, civilization is at an end, blood will run in the streets if we pass a budget of only $2.5 trillion, with really close to a $500 billion deficit.

I know that many people in America look at the budget and say it is rotten, how can they spend so much money, but do not care about the thing that I care about the most. I support the President's efforts to try and reduce the size of the budget. Unfortunately, it does not go nearly far enough. We still have an increase in the budget of somewhere around 8 percent as far as I can calculate it, and it is true that the most significant increases are going to defense and homeland security, which of course are appropriate. But we still do as far as I am concerned far too much in other areas that are extraneous to our constitutional responsibility.

So when we hear folks on the other side of the aisle argue and harangue about these cuts, it is important to remember that for the last several years, certainly the last year I was on the Budget Committee, we waited in vain to ever see a budget from the other side. It is true that the minority has the responsibility of being the sort of watchdog of the majority. That is fine.

But one of the things we would expect is if they say here is what is wrong with the President's budget, here is what is wrong with the budget that the Congress has produced because it will be produced primarily by the majority party, but if history is any judge, we will not see a minority budget. They will not provide a plan because if they do, they would have to do one of two things: they would have to cut spending or raise taxes. That is it. That is it. And neither of those two things are they too crazy about doing.

They would argue that we should not continue the tax cuts or make the tax cuts permanent. But, frankly, even if you follow their suggestion and allow tax rates to go back up to levels they were prior to the President's tax cuts, it would do little to actually change the entire picture. They would have to do substantially more. They would have to cut spending or increase taxes. That is it. If you increase taxes, of course, you begin to take a toll on the economy. Although initially there will be an increase in revenue, you eventually get to the point where taxes begin to reduce the number of jobs, the economy becomes much more stagnant, and therefore revenues begin to drop.

So they are in a dilemma. They are in a dilemma. Therefore, the only thing they can do is say these tax cuts are no good. These tax cuts are terrible. So where would they cut then? If you have a $425 billion to $500 billion deficit, where will you cut? They will not show that because the cutting job is tough. The President is to be commended for laying out a budget that does include significant cuts, not nearly enough. And by the way, no one thinks for a moment they will survive this place. Even the administration does not think that. Some of these things they put in knowing they will be replaced by Congress, but they can take the high road by offering the cuts.

Nonetheless, the cuts will not survive. We will increase the budget more than even the 8 percent that the President has planned, the deficit will increase, and all because we are afraid of angering these constituencies that feel they are entitled to some part of this.

In the entire debate that is the thing that most rankles me, the idea that all of these people receiving this largess and the share of someone else's labor, we are transferring wealth from one person to another through our tax system, everyone on the receiving end thinks it is okay, they are entitled to it.

Mr. Speaker, it is a fascinating thing. In that roughly $2.5 trillion budget which has been put forward, the greatest amount, certainly somewhere near 80 percent of that budget, is in fact

wrapped up in these entitlement programs. That word implies an inability on the part of Congress or anybody else to do anything about it. That is like it is there, it was handed down by God that these programs be in existence, and we cannot do anything about it. That is Social Security, Medicare, some veterans programs. That is where all of the money is. We could eliminate all of the discretionary spending in the budget, the Department of Defense, for instance, Department of Health and Human Services, we could eliminate the entire discretionary budget and still only save $750 to $800 billion of that roughly $2.5 trillion budget. That would take care of the deficit, but we could end every program except Social Security, Medicare, and some veterans benefits. That is not going to happen, and we all know that, unless we actually address the issue of Social Security.

Now, the President has offered that proposal also, which of course the other side of the aisle demagogues the heck out of, and suggests if the President's plan were to pass, that old age pensioners, the Social Security recipients, would essentially be dead in their home within a short time, all having starved to death as a result of having their Social Security benefits cut by this heartless President. Of course these things are untrue. No one is suggesting a cut for the people presently on Social Security. That is not part of anybody's plan. Yet that is the way they present it. That is the demagoging that goes on on these issues. Again, it is the idea of entitlement.

Mr. Speaker, let me say as clearly as I can that as far as I am concerned, the only thing to which I am entitled as an American is liberty.

□ 2300

That is it. That is what I want from my government. That is what I deserve. That is what the Constitution and the Declaration of Independence speak to. That is what I am entitled to, liberty. I am not entitled to a pension. I am not entitled to having my child educated at government expense. I am not even entitled to the Federal Government building any highways in my district. I am not entitled to any particular benefit to help me take care of my wife, who may be pregnant, and to provide for prenatal care.

I mean, all these things are good. I am not in any way suggesting that they are not good for society and that people banding together would not provide them for themselves. But I am just suggesting that nobody is entitled to these things, nobody, no American. I am not, and I do not think anyone is. So I wish we could stop using the word ''entitlement.'' I wish we could begin thinking about what are the things that we are actually responsible for as the Federal Government. That is what I would like to fund. What does the Constitution tell me is my role? What does it lay out as my role, and what am I supposed to do as a Member of this body to fulfill that role through the appropriations process.

And believe me, we could get out of here in about a month if we just concentrated on something like that. We would be done. Start in January and be done by March because the role is relatively limited. All the rest of this stuff is extraneous and is not an entitlement. No one, I repeat, no one is entitled to sharing the wealth of anyone else.

Anyway, I know these observations certainly will not carry the day. At the end of the debate on the budget bill, we will not have reduced expenditures. Most of the programs that the President has proposed being cut will not be cut; they will be plussed up. Some will get cut, I hope, and it is a start, and I am sure that the President saw it that way too when he sent us the budget. Personally, I am sure, although I have not had a chance to go through every single one, there are still greater cuts we could achieve, and I plan to be offering amendments throughout the process to try to achieve them.

But I do hope we will just always consider the fact that this idea of entitlements is a relatively new concept to this government, to the people of this country, and I wish that we could think about it again. I wish that we could devise a plan and devise a set of spending priorities that were not based on anything called entitlements but just simply what our responsibility is as a Congress, although I recognize that that day is perhaps not only a long way off but maybe nothing I will ever see in my lifetime, but nonetheless we will have to hope for the possibility.

And in hoping for possibility, I must say that this brings me to the other topic that I wanted to address tonight, and that is the issue of immigration and immigration reform. And as I have done many times on the floor of this House, I have brought to the attention of my colleagues, Mr. Speaker, the concerns I have had about the situation we face in the United States as a result of massive immigration across our borders, both legal and illegal. The numbers are astounding, and sometimes I am even taken aback at them. We are now interdicting at our borders about a million and quarter people a year. Three to five people get by the border guards for every person that they actually do interdict. So we do not know for sure. Maybe upwards of 5 or more million people coming into the country every year illegally. That amounts to, let us see, a lot of people every single day certainly, 20,000 maybe, 15 to 20,000 people every day if we are going to the highest number that is possible coming in under those circumstances.

These are astronomical numbers, and they are things that are certainly disconcerting just on the numbers' side of things, what happens to us as a result of this massive increase in the population. An organization called Numbers USA has done excellent work on this, and I suggest, Mr. Speaker, that Members go to their Web site if they are interested in this kind of thing, at NumbersUSA.com, and look at what they project to be the population of the country by mid-century if we do nothing to curb immigration because almost all of the population growth in the Nation at the present time is a result of immigration, both legal and illegal; and the numbers do have consequences.

The numbers of people coming in have consequences on a lot of things. Our health care system certainly is one. Our educational system is certainly another. The fact is that we are providing services for millions upon millions of people who are working here illegally or not working. Regardless, they are here, and some are here of course legally, but we end up spending far more in the provision of services than we ever are able to obtain from these folks in terms of the taxes that they pay. So there are implications on the numbers' side of things.

The environment. We hear people talking about the concerns of the environment, but those concerns are fairly narrow when we talk to them about the impact of immigration. We have a bill, Mr. Speaker, I will be introducing very soon that will require the EPA to do an impact study on immigration. What is the impact? What is the result of massive immigration into the country on our resources and on the country as a whole? I would love to see something like that. Of course, I hasten to add it probably will never pass because no one really wants to see that. But I would like an environmental impact study done on the immigration. What is the environmental impact of this phenomenon? And I assure Members that they will find it is significant.

The Speaker probably knows the situation on the border. I have been down to the border of the United States and Mexico many times, up to the northern border with Canada many times, and what we see is really fascinating and certainly a depressing view of the landscape, especially on the southern border where people have come through by the hundreds of thousands, in fact, of course, by the millions; and as a result of just the human traffic, the actual foot paths that are created through desert, the roads that people create as a result of driving their vehicles just off of the highway and through the deserts sneaking into this country.

The amount of trash that is deposited all along that border, the pickup sites where literally thousands of illegal aliens will gather after they have

walked across the border and will gather to be picked up by vehicles and taken on into the interior of the country. And these sites I have seen have turned into simply huge dumps, refuse dumps, with papers strewn everywhere and clothing and human feces and diapers and syringes and plastic bags by the thousands and thousands and hundreds of thousands of other things littering the place in just like maybe a 20- or 30-acre parcel of land.

Of course, the cattle eat some of the plastic. The cattle die. The human feces gets washed into the water system in the few times it does rain, but when it rains it washes this stuff away. The land becomes polluted by the human traffic moving across. But, of course, we hear nothing from our friends in the Sierra Club about the environmental degradation to the land caused by literally millions of people coming across it unhindered. And then of course just, again, the numbers, the impact on the quality of life in cities all over this country by the massive number.

We just got a report not too long ago from the Transportation Department about the fact that 70 or 80 percent of all the traffic congestion we have in this country is a result of, of course, immigration. The numbers just tell the tale. And so when people are waiting in a traffic jam wherever they are throughout the country, just think about the fact that that traffic jam they are waiting in, the smog that is being produced, the time being lost is a result of the fact that we cannot catch up, we have not been able to catch up with the numbers.

□ 2310

The numbers overwhelm us. They are far greater in terms of the actual numbers of people coming into this country than ever before in the Nation's history and we just cannot keep up. That is the one aspect of it, the environment.

Then there is, of course, the issue of our economy and what kind of expenses we incur, what kind of expenses are incurred by the citizens of this country who are paying the infrastructure costs to support massive immigration, both legal and illegal. It is enormous. It is enormous.

We hear all the time about hospitals on the verge of closing. Some have actually closed, some have actually closed certain of their departments, neonatal, as a result of having hundreds of thousands of people coming who are unable to pay, but coming across the border oftentimes just to have children in the United States in those border hospitals. They are inundated. And it does not stop there. It goes throughout the country.

I returned recently from Idaho. I gave an award, there is a political action committee with which I am affiliated, actually I was a founder and do certainly support in many ways their actions, but have no formal tie with it anymore. But that was a different award.

I gave an award up in Idaho, the Eggles Award. This is an award that we established a couple of years ago to memorialize and honor a gentleman by the name of Chris Eggles, who was a young individual who worked for the Park Service down in Arizona, Organ Pipe Cactus National Park, and he was killed. He was killed by illegal aliens as they came into the country, escaping from Mexico where they had committed four murders just a short time before that. He gave his life in service to the country.

We wanted to have something that recognized that, and we created the Chris Eggles Award. We give it to public officials every year who we think are doing an outstanding job in trying to actually deal with the issue of immigration reform.

It was in that context that I was in Idaho. I traveled up there just a short time ago to give this award to a gentleman by the name of Robert Vasquez. Mr. Vasquez is a county commissioner in a county just north of Boise, Idaho.

Mr. Vasquez in this small county in central Idaho is inundated with illegal aliens. His county eventually came to the conclusion that they had to draw some attention to the fact that they were incurring all kinds of costs, especially for health care and incarceration, of illegal aliens, so Mr. Vasquez sent a bill to the Mexican government for $2 million asking them to help pay for the costs of incarcerating Mexican aliens who were in this country illegally and in his county in Idaho. This is not a State that you would think would be ''affected'' by illegal immigration, but every State is affected, every State.

He recently, by the way, asked the Governor of the State of Idaho to declare his county a disaster area because of what has happened because of the impact that illegal immigration has had on his small county.

I just got back from a little place called New Ipswich, New Hampshire, and that is where I was when we gave the award that I was discussing earlier. This is an award given by an organization called Team America. It is likewise given to public officials who have done an outstanding job in trying to deal with and cope with this issue of massive illegal immigration into the country.

We gave the award to the police chief in New Ipswich, Chief Chamberlain. This town of New Ipswich has 5,000 people, in New Hampshire, mind you. He confronted, stopped a van in his little town, which had 10 illegal immigrants in the van. He called the Immigration and Customs Enforcement and they would not come out. They told him, ''Oh, well, ten, let them go. Forget about it.'' He said, ''No, they are here illegally, and I don't want them in my community. You should come and get them.''

They simply kept telling him, ''No, never mind, it is not a big enough deal.'' So he took a picture of these folks sitting in custody while he held them in custody, and took another picture as he let them go. He sent both of these pictures out. He said here is what I did. I tried to detain them. Here is what happened when I talked to the immigration and customs officials. They walk away. They were here illegally. Everybody knows it. He knows it, they know it, the government knows it, and they let them walk.

This created quite a stir all over the country. It got a lot of attention, a lot of press attention to this.

A short time thereafter, here is another group of illegal aliens in his community, New Ipswich, New Hampshire, mind you, right? He gathers them all up, calls the immigration patrol and enforcement. They are out there in like 20 minutes. They gather them up, they send them all up. They do not like the publicity that accrued as a result of their unwillingness to do their job the first time around.

These things are happening everywhere throughout the Nation. In Colorado, and this is one of the most horrible things, and, again, unfortunately, incidents like the one I am going to describe to you are happening all over the country, because we hear from people by the hundreds, by the thousands, who have been victimized by people here illegally.

In Colorado a short time ago there was an accident caused by an illegal alien. The person in the other vehicle was killed. As it turns out, this illegal alien had had had many confrontations with the law, had been picked up several times, but never had been reported to immigration control. Never. As a result, of course, he was allowed to stay in the country.

If you get convicted of a crime in the United States, you are supposed to be deported immediately. But he was never reported to them because Denver, among other reasons, but Denver, where we believe he was picked up, has this ''sanctuary city'' policy, where they will not report anything to the Federal Government about people who are in the community illegally.

As a result, we have had many instances where illegal aliens were in fact arrested for some sort of crime, are either out on bail, served some time, again are out on the street, never having that violation ever reported to immigration control and enforcement, and, therefore, of course, still are able to perform other crimes, to do other crimes, which happens all too often, again in this case in Colorado, or he is alleged to have done this, I should say.

Anyway, we get calls like this all the time.

There was a sheriff, a deputy sheriff in California, Deputy Sheriff March, pulled over a guy, walked up to the car, the guy in the car shoots the deputy sheriff in the stomach. As he goes down, the guy gets out of the car, puts two more bullets in his head.

We know exactly who this person is that did this. He is back in Mexico now. He will not be extradited by the Mexican government to the United States because he faces the death penalty and/or life imprisonment, which the Mexican government now calls cruel and unusual punishment. But that is only one side of the story, because there are over 1,000 people now just from California, over 1,000 murder warrants out for people in California alone who have fled to Mexico to avoid extradition to the United States.

The saddest part about this is a dead officer, but the most infuriating part about this is that this guy had been picked up twice before, or three times, I cannot remember now, and it was for very serious crimes. I think one was attempted murder. He should not have been, of course, in the United States. He had actually been asked to leave the country. I do not remember if they forced him out, I think they did. He then, of course, came back, because there is no security at the border. He should not have been in the country.

Approximately 25 percent of those who are presently incarcerated in our Federal prisons, 25 percent of the people presently incarcerated in our Federal prisons are non-citizens. We do not know the exact numbers for the States, but I think in many States it is very similar to that.

If the Federal Government were doing its job, of course, these people would not be in the United States. They could not have come here illegally. If they did come here illegally and did something wrong, we would have either put them in prison for a longer time, or, of course, deported them.

□ 2320

But we do not. We do not pay much attention to it because, of course, there are a lot of pressures that try to push us away from actually enforcing the law in this country.

These pressures come from a variety of places. They come from political parties like the Democratic Party that sees massive immigration as a source of voters. They come from the Republican Party who sees massive immigration, both legal and illegal, as a source of cheap labor. We get pressures from a lot of folks here on the Hill to not look carefully at the issue of immigration and immigration reform.

There will be a battle in this House tomorrow, on the Floor of this House tomorrow, over a bill that is designed to do a couple of things that desperately need to be done. It is referred to as the Sensenbrenner bill. I certainly hope that it will pass, and I think that it will, but the opposition will be vocal and we will see whether we can get through the whole process.

This is simply to say that there should be a standard applied for giving driver's licenses to people, and if States want to give driver's licenses to people who are in this country illegally, that is fine, we cannot stop them, but we can say that they will not be valid for any Federal purpose like getting on an airplane, interstate travel, commerce, or going into Federal buildings or applying for any sort of benefit that Federal dollars are attached to. We can do that and we should do that.

Also, of course, the other thing that the bill does is to plug up some of the loopholes in our statutes, in our laws, with regard to people who are here as refugees, claiming refugee status. Many of these people have taken advantage of the loopholes. Some of them are terrorists or are potential terrorists, and they have a record; and they get here and they claim a certain status, and we have to essentially keep them. And if we can stop some of them, if they are terrorists in the country of origin and we know it there, we can deny access still. But once they get here, under the present law, if they get here, somehow we can not deport them. We can stop them from coming here because they are terrorists, but if they get here somehow, we cannot send them back under the present law. This bill is designed to address these issues.

There will be a huge fight tomorrow, and the debate will be lengthy and it will be vitriolic and very bitter on this kind of an issue.

I do hope, of course, as I say, that we pass it. But this is the first time since I have been in this Congress now, and this will be my seventh year, that I have actually seen a bill come to the floor with the potential of passage anyway, and this bill, having a true reform aspect to it. So I am encouraged by that, but I know a lot of work yet has to be done in the area of immigration reform.

Some of our opponents in this area keep putting bills forward that they say are true remedies and they are bills that are designed to develop some sort of guest worker program, but all of them with a component that I think is unacceptable to a majority of at least the Republicans in this House, I know to a majority of Americans it is unacceptable, and that component is this thing called ''amnesty.''

There was a Member on the Floor not too long ago, a proponent of this particular kind of plan who kept saying that we should not call these things ''amnesty.'' He is trying to emulate Bill Clinton, when President Clinton at the time kept redefining terms in order to suit his own agenda. We all remember it all depends on what the definition of ''is'' is, that famous line. The same thing here.

Well, what is it? We are going to do this, but we do not want to call it ''amnesty,'' and we should not say ''amnesty,'' because people do not like amnesty, so we will not call it ''amnesty.'' Now, it is amnesty if you tell people who are here illegally that if they just come and tell us who they are, they can stay, that is amnesty. That is what amnesty is. That is the definition of amnesty.

Now, there are a whole bunch of things, other things that the President throws into this periodically. He says, I am not for amnesty, because I am not for giving anybody immediate citizenship. Well, good, I am glad. I am very happy to hear that, Mr. President, but that is about 5 or 10 steps past amnesty. That is not amnesty in and of itself, so do not set up these definitions, create the definition, and then you say, I am against that.

We cannot tell anyone who is here illegally that they can stay, because if we do, then that is amnesty, and if you give amnesty, all you do is encourage lots of folks, of course, to come here to this country, break the law, because they get rewarded for it. It is as simple as that. It is a terrible policy to give people amnesty, to reward people for breaking the law.

Now, the other side does not like us to use the word because they know Americans do not like it. So they keep trying to figure out how to obfuscate, to pretend that it is not part of their legislation when, of course, it is. We will point it out time after time after time, no matter where they want to run or where they want to hide or how many dictionaries they want to try to rewrite. It is amnesty, and we will point it out every single time they bring it up. What they say is that we do not have a plan, because we say we do not want to do mass deportation and we do not want amnesty, that it is the status quo on our side.

Well, let me tell my colleagues right now that I would deport anyone who is here illegally. I want that understood clearly. If someone is in this country illegally, the penalty for that is deportation, and I would, in fact, deport anyone who is here illegally.

Let me also hasten to say that our plans include provisions that, in fact, would make that task relatively easy because most of the people who are here illegally, if we did what our side is proposing, which is to say secure the border, number one; and number two, go after the employer who is creating the demand in the first place.

Actually enforce the law. That is all our side says, enforce the law.

There is a law against coming into this country illegally. We do not enforce it. There is a law against people

hiring people who come into this country illegally. We do not enforce it. But if we did, if we did this weird, wild, wonderful, strange concept of enforcing the laws we have on the books, we would see a significant reduction in the number of people who are here illegally, because they would not have jobs, hopefully they would not get benefits and hopefully they would return to their countries of origin. And then you can establish some sort of guest worker program perhaps to allow people into this country in an orderly fashion to end, as the President says, the chaos on the border.

But it is idiotic to suggest that we could have a guest worker program if we do not secure the border on one end and go after the employer on the other. That is the demand and supply side of this problem.

So I absolutely am in favor of deportation for anyone who is here illegally. And I know all of the sad sob stories we would hear, that they have been here for ages, a long time, they have kids in school. Well, I am sorry about that, but the fact is, if they have broken the law to come in, then the penalty is deportation. And if we can make it easier by simply not giving them jobs on the one hand and making it harder for them to cross that border on the other, if we can make it easier for people to return to their country of origin and if we do not have to go through ''mass deportations,'' fine. But anybody who is still here after we put those two things in place needs to be deported.

Why are we so afraid of saying that? That is the law.

Now, if we do not want that law, then I think that the gentleman from the other side of the aisle who proposes his plan for guest workers should also propose that we stop deporting people who are here illegally, just take that away, repeal the law. But if he has the law on the books, then I suggest that the gentleman and anyone else who stands on this floor, who has taken the oath of office to enforce the law, should enforce the law. If they do not like the law, repeal the law, but do not keep ignoring the law. It is the worst possible thing to do.

We have put forth measures time and again on this floor that are truly comprehensive in nature. We will be introducing a bill of a similar nature in the very near future. It is a very comprehensive plan, and it deals with the issue of enforcement of our borders, and it also deals with the enforcement of our laws against people hiring folks who are here illegally, and it also creates a guest worker plan. But that can never happen in the absence of the other two things, never. It is a sham.

Any plan that just establishes a guest worker program without border security is a sham. No one thinks anything like that could work. I will not impugn their motives, because who knows why. A lot of folks have different reasons for pushing this concept of amnesty and ignoring the 20 million people who are here illegally.

□ 2330

But we cannot do it. It is not good public policy, and there are ways to address the issue. What is encouraging, Mr. Speaker, is that I have determined a shift in attitude on the part of this House, especially members of the Republican side who have for whatever reason seen the light and are now much more enthusiastic in terms of their willingness to do something about this issue. Maybe it is because Members of the other side in even the other body, in this case particularly HILLARY CLINTON not too long ago stated her adamant opposition to illegal immigrants coming into this country, wanted those borders defended.

There is a bit of humor there because I cannot for a minute believe that it is, I do not know how deep seated the feeling is. It does not matter. When HILLARY CLINTON says that, it sends a message pretty loud and clear to the rest of us that, politically speaking, we are on the right side of this issue.

The American public wants and demands immigration reform. They want an end to illegal immigration. They want a reduction of the number of illegal immigrants into the country, and we better start understanding that that is the mood of the country and respond to it. That is the nature of the system. That is exactly what we are supposed to be doing here, and it is happening. I have certainly seen it, and I am glad of it.

I think perhaps the most significant event of which I am aware in terms of its impact on this debate was the passage of Proposition 200 in Arizona. Mr. Speaker, this was a fascinating sort of exercise in democracy. The people of the State of Arizona recognized that the Federal Government has essentially left them high and dry. The borders are undefended. They are the funnel, Arizona had become the funnel through which hundreds of thousands of people, in fact, millions of people, a year were coming across the borders of Mexico and the United States into this country. Their social services were being depleted. Hospitals, schools, all the things I talked about, the rates of crime committed by people, illegal aliens was rising dramatically. Incarceration rates were therefore up.

So the people finally got a belly full of it, and they could get no satisfaction from the Federal Government. They could get no satisfaction from the State government. Most of the people there were afraid to touch this thing, and the people in government were afraid to touch it. In fact, every Member of the Congress, everybody from the Arizona delegation opposed it, Republican and Democrat. The two Senators opposed it.

I should back up and say, as a result of being so frustrated, the people of Arizona put an initiative on the ballot. It said a number of things. One was that if you are not here in this country legally, you cannot get social service benefits in the State of Arizona. It also said that you are going to have to prove you are a citizen if you are going to vote in Arizona.

These are pretty radical ideas. Ideas that everybody wanted to run away from, the establishment wanted to run away from for fear, among other things, that anybody connected with it would be seen as a racist. Well, they go ahead and put the issue on the ballot. And, I mean, all the newspapers came out against it; both parties came out against it. The proponents were outspent, I think, 2½ to 1 by the opponents.

Mr. Speaker, I have put issues on the ballot in Colorado in the past. I know how hard it is. It is a very difficult thing to do to pass them, especially when you have that kind of opposition, the entire political establishment opposed to you. But the measure passed. It passed with 56 percent of the vote. But even more important, more amazingly, more shocking to many people here, although it was not surprising to me, 47 percent of those who voted for the amendment were Hispanic. So all those old canards, those things we hear, if you do this no Hispanic American would ever vote for you if you do things like this. If you do things like what? Enforce the law?

Do Hispanics not want the law enforced in this country? How many of them have come here illegally? Many in my State have been here many generations before my grandparents got here in the late 1890's. They have a stake in the Nation. They have a part of the Nation. They are Americans first. They want secure borders. They want the ability for American citizens, Hispanics, yes, Hispanic by ethnicity to be able to compete in the marketplace for jobs. They know that people who are coming across these borders create competition at the lowest level, the lowest rung of the economic ladder for low-paid, low-skilled jobs. So Americans with few skills find it harder and harder to ever work their way out of poverty.

When people talk about being compassionate when you look at this issue, I ask them to be compassionate about American citizens. I mention that the people in New Ipswich, the 10 that were taken into custody by Chief Chamberlain, I neglected to tell you they worked for a roofing company, according to the police chief, and they were paid $18 a day for their labor.

Now, I often hear that people are only coming for jobs that no American wants. Well, for $18 a day, yeah, it is hard to get an American to take a job like that. That is true. But for those

who say, as the President does and others on the floor, that we just have to match every willing worker for every willing employer, I say think that through. Do you mean that?

Willing worker. You have willing workers for $18 a day. Are you willing to bring them here and allow them to compete against an American worker? How about the guy who is willing to work for 16, 15, 14, 13? You will find somebody in the world willing to come here and work for less than the guy who is presently employed here. The Federal Government has no role in this, I ask? No role in trying to control those borders and thereby, yes, prop up wages.

Yes, it is true, propping up wages is a result of controlling your borders. That is true. But this is the difficulty we face here.

But as I say, Mr. Speaker, I think things are changing. I think Prop 200 sent a message that was heard by many people who are politically astute, HILLARY CLINTON being one, of course, many others now who I see standing up and talking about this and going on television about it. It is great. I am happy to have the support of every single one of them. I will happily turn over the role of immigration reform leader to those who have positions of authority in this body which I do not have and probably never will.

I like to see a committee chairman on our side. I like to see people as prominent as Mrs. CLINTON on the other side on this issue. It is fine with me because what it tells the rest of us is that it is politically acceptable now to move in the direction of immigration reform. And we will be moving that way I think tomorrow. We should have to keep our eyes on it.

The opponents will not simply walk away from the battle, but they know they are on the defensive, and they are becoming very concerned about that, as well they should because the tide is turning. And we will be, I think, able to say by the end of this legislative session that we have actually won some battles, that we have actually brought the issue to the fore and been successful in many different ways.

So I just want to say in conclusion, Mr. Speaker, that every night when I do a Special Order and I go back, usually the fax machines are going and the e-mails are coming in and the phones are ringing from people who have felt strongly about this for a long time; and they come from all over the country, they come from every area of the country, north, south, east and west, small towns, large towns and from people with Hispanic surnames, because it is just so true that this issue does in fact touch a nerve Americans. It touches a nerve with Americans.

□ 2340

They want to keep America a place in which they can be proud, and they want to keep our borders secure, and they want to be able to pass on a bit of America to their children and grandchildren, and of course, in that endeavor, I wish them and us all the best.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ESHOO (at the request of Ms. PELOSI) for today and the balance of the week on account of illness in the family.

Mr. ETHERIDGE (at the request of Ms. PELOSI) for today on account of medical reasons.

Mr. HINCHEY (at the request of Ms. PELOSI) for today and the balance of the week on account of illness.

Mr. SNYDER (at the request of Ms. PELOSI) for today and the balance of the week on account of illness.

Mr. STUPAK (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

Mr. LOBIONDO (at the request of Mr. DELAY) for today on account of attending the memorial service of a constituent who was killed in the line of service in Iraq.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. LORETTA SANCHEZ of California) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. SCOTT of Georgia, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BOUSTANY) to revise and extend their remarks and include extraneous material:)

Mr. KELLER, for 5 minutes, today.

Mr. THOMAS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and February 9 and 10.

Mr. GINGREY, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. POMBO, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, February 10.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 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:

604. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Application Procedures for Registration as a Derivatives Transaction Execution Facility or Designation as a Contract Market (RIN: 3038–AC14) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

605. A letter from the Acting Administrator, FSIS, Department of Agriculture, transmitting the Department's final rule — Uniform Compliance Date for Food Labeling Regulations [Docket No. 03–026F] (RIN: 0583–AD05) received January 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

606. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Exemption of Organic Handlers From Assessments for Market Promotion Activities Under Marketing Order Programs [Docket No. FV03–900–1 FR] received January 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

607. A letter from the Acting Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule — Guaranteed Rural Rental Housing Program; Secondary Mortgage Market Participation (RIN: 0575–AC28) received January 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

608. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Establishment of Vaccination Clinics; User Fees for Investigational New Drug (IND) Influenza Vaccine Services and Vaccines (RIN: 0920–AA11) received January 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

609. A letter from the Secretary, Department of Education, transmitting a report, covering FY 2004, concerning surplus Federal real property disposed of to educational institutions, pursuant to 40 U.S.C. 484(o)(1); to the Committee on Government Reform.

610. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–690, ''Jenkins Row Economic Development Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

611. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–691, ''Apprenticeship Requirements Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

612. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–692, ''Minimum Wage Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

613. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–696, ''Low-Income Housing Tax Credit Fund Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

614. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–693, ''Retail Service Station Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

615. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–694, ''Free Clinic Assistance Program Extension Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

616. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–697, ''Retirement Reform Act Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

617. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–699, ''Skyland Site Acquisition Support Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

618. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–698, ''Closing of a Portion of Public Alley in Square 5196, S.O. 02–2763, Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

619. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–700, ''Multiple Dwelling Residence Water Lead Level Test Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

620. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–702, ''Closing of a Portion of a Public Alley in Square 2032, S.O. 02–5133, Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

621. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–704, ''Department of Motor Vehicles Reform Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

622. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–715, ''School Safety and Security Contracting Procedures Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

623. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–705, ''Restaurant Candles Permission Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

624. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–716, ''Child and Youth, Safety and Health Omnibus Second Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

625. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–714, ''District Government Reemployment Annuitant Offset Alternative Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

626. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–701, ''Distracted Driving Safety Revised Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

627. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–713, ''Bonus Depreciation De-Coupling Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

628. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–706, ''Domestic Partnership Protection Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

629. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–711, ''Public Congestion and Venue Protection Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

630. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–710, ''Real Property Disposition Economic Analysis Second Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

631. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–712, ''Estate and Inheritance Tax Clarification Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

632. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–709, ''Certificate of Title Excise Tax Exemption Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

633. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–737, ''Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Second Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

634. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–717, ''Ballpark Omnibus Financing and Revenue Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

635. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–736, ''Depreciation Allowance for Small Business De-Coupling from the Internal Revenue Code Second Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

636. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–703, ''Closing of a Public Alley in Square 317, S.O. 04–7832, Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

637. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–735, ''Water Pollution Control Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

638. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–708, ''Studio Theatre, Inc. Economic Assistance Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

639. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–707, ''Dedication and Designation of Portions of New Jersey Avenue S.E., 4th St., S.E., and Tingey Street, S.E., S.O. 03–1420, Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

640. A letter from the Director, Office of Procurement of Property Management, Department of Agriculture, transmitting the Department's final rule — Agriculture Acquisition Regulation: Miscellaneous Amendments (AGAR Case 2004–01) (RIN: 0599–AA11) received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

641. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

642. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

643. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

644. A letter from the Chairman & CEO, Farm Credit Administration, transmitting the FY 2004 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

645. A letter from the Comptroller General, General Accounting Office, transmitting the Office's Performance and Accountability Report for FY 2004, pursuant to 31 U.S.C. 719; to the Committee on Government Reform.

646. A letter from the Deputy Chief Acquisition Officer, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001–26; Introduction — received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

647. A letter from the Deputy Chief Acquisition Officer, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001–27; Introduction — received January 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

648. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — Records Management; Unscheduled Records (RIN: 3095–AB41) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

649. A letter from the Deputy Director, Office of Administration and Information Management, Office of Government Ethics, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

650. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — General Schedule Locality Pay Areas (RIN: 3206–AJ45) received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

651. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Senior Executive Service

Pay and Performance Awards; Aggregate Limitation on Pay (RIN: 3206–AK34) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

652. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees' Retirement System; Death Benefits and Employee Refunds (RIN: 3206–AK57) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

653. A letter from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

654. A letter from the Chairman, Board of Governors, United States Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2004, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

655. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's ''Major'' final rule — Community Confinement [BOP Docket No. 1127–F] (RIN: 1120–AB27) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

656. A letter from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule — Execution of Removal Orders; Countries to Which Aliens May Be Removed [EOIR No. 146F; AG Order No. 2746–2004] (RIN: 1125–AA50) received January 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

657. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Final Regulations for Health Coverage Portability for Group Health Plans and Group Health Insurance Issuers under HIPAA Titles I & IV (RIN: 0938–AL43) received December 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

658. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's ''Major'' final rule — Final Regulations for Health Coverage Portability for Group Health Plans and Group Health Insurance under HIPAA Titles I & IV (RIN: 1210–AA54) received December 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

659. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Domestic reinvestment plans and other guidance under section 965 [Notice 2005–10] received January 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

660. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Additional Relief for Like-Kind Exchanges for Which Deadlines May Be Postponed Under Sections 7508 and 7508A of the Internal Revenue Code [Notice 2005–3] received January 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

661. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Returns Required on Magnetic Media [TD 9175] (RIN: 1545–BE19) received January 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

662. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Medicare Prescription DrugBenefit [CMS–4068–F] (RIN: 0938–AN08) received January 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

663. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Establishment of the Medicare Advantage Program [CMS–4069–F] (RIN: 0938–AN06) received January 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 71. Resolution providing for consideration of the bill (H.R. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence (Rept. 109–3). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself and Mr. MCKEON):

H.R. 609. A bill to amend and extend the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mrs. BIGGERT (for herself and Mr. BOEHLERT):

H.R. 610. A bill to provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes; to the Committee on Science, and in addition to the Committees on Energy and Commerce, 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. FOLEY (for himself, Mr. RANGEL, and Mr. SHAW):

H.R. 611. A bill to authorize the establishment of a program to provide economic and infrastructure reconstruction assistance to the Republic of Haiti, and for other purposes; to the Committee on International Relations.

By Mrs. BIGGERT (for herself and Mr. BOEHLERT):

H.R. 612. A bill to provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes; to the Committee on Science.

By Mr. BEAUPREZ:

H.R. 613. A bill to prohibit the sale of any alcohol without liquid machine without premarket approval, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCINTYRE:

H.R. 614. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives and job training grants for communities affected by the migration of businesses and jobs to Canada or Mexico as a result of the North American Free Trade Agreement; 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. HALL (for himself, Mr. GOODE, Mr. DUNCAN, Mr. SAXTON, Mr. TAYLOR of North Carolina, Mr. KILDEE, Mr. WEXLER, Mr. GILLMOR, Mr. GORDON, Mr. SCHIFF, Mr. RAHALL, Mr. PAUL, Mrs. MALONEY, Mrs. BONO, Mr. MCCOTTER, and Mr. WILSON of South Carolina):

H.R. 615. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means.

By Mr. BACA (for himself, Mr. HOLDEN, Mr. WYNN, Mr. PALLONE, Ms. CARSON, Mrs. JONES of Ohio, Mr. SCOTT of Georgia, Mr. SANDERS, Mr. MOORE of Kansas, Mrs. TAUSCHER, Mr. FOLEY, Mr. CARDOZA, Mr. BISHOP of Georgia, Mrs. LOWEY, and Mr. GENE GREEN of Texas):

H.R. 616. A bill to provide for reduction in the backlog of claims for benefits pending with the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BAKER:

H.R. 617. A bill to suspend temporarily the duty on p-nitrobenzoic acid (PNBA); to the Committee on Ways and Means.

By Mr. BEAUPREZ:

H.R. 618. A bill to amend title 49, United States Code, to ensure that the National Driver Registry includes certain information; to the Committee on Transportation and Infrastructure.

By Mr. BEAUPREZ:

H.R. 619. A bill to amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado; to the Committee on Transportation and Infrastructure.

By Ms. JACKSON-LEE of Texas (for herself, Mr. THOMPSON of Mississippi, and Mr. MEEHAN):

H.R. 620. A bill to require the Comptroller General of the United States to conduct a study on the development and implementation by States of security measures for driver's licenses and identification cards and a study on the consequences of denying driver's licenses to aliens unlawfully present in the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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. BEAUPREZ (for himself and Mr. BARRETT of South Carolina):

H.R. 621. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes; to the Committee on Ways and Means.

By Mrs. BONO (for herself and Mr. MARKEY):

H.R. 622. A bill to reauthorize and revise the Renewable Energy Production Incentive program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOOZMAN (for himself, Mr. KENNEDY of Minnesota, Mr. DUNCAN, Mr. GARRETT of New Jersey, Mr. PEARCE, Mr. DAVIS of Tennessee, Mr. MATHESON, Mr. LEWIS of Kentucky, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. JOHNSON of Illinois, Mr. EHLERS, Mr. BROWN of South Carolina, Mr. OTTER, Mr. SIMPSON, Mr. BERRY, Mr. PAUL, Mr. SHIMKUS, Mr. WAMP, Mr. PETERSON of Minnesota, and Mr. TERRY):

H.R. 623. A bill to allow an operator of a commercial motor vehicle breaks in a daily tour of duty; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. PASCRELL, Mrs. MILLER of Michigan, Mr. HOEKSTRA, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. ABERCROMBIE, Mr. LATOURETTE, Mr. TERRY, Ms. MILLENDER-MCDONALD, Mrs. CAPITO, Mr. KILDEE, Mr. SKELTON, Mr. MCHUGH, Mr. GRIJALVA, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mrs. JONES of Ohio, Ms. LORETTA SANCHEZ of California, Ms. BORDALLO, Mr. MENENDEZ, and Mr. SHIMKUS):

H.R. 624. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. MCGOVERN, Mr. PAUL, Mr. WELLER, Mr. DOYLE, Mr. HOLDEN, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, Mr. FOLEY, Mr. GUTIERREZ, Mr. SCHIFF, Mr. BARTLETT of Maryland, Mr. MCDERMOTT, Mr. FILNER, Mrs. WILSON of New Mexico, Mr. MCHUGH, Mr. WEXLER, Mr. ROGERS of Michigan, Mr. WALSH, Mr. LATOURETTE, Mr. ENGLISH of Pennsylvania, Mr. UDALL of New Mexico, Mr. FRANK of Massachusetts, Mr. OWENS, Ms. WATSON, Mrs. MUSGRAVE, Mr. HINCHEY, Mr. JOHNSON of Illinois, Mr. SHIMKUS, Mr. TERRY, Ms. NORTON, and Mr. HAYWORTH):

H.R. 625. A bill to amend the Internal Revenue Code of 1986 to allow the Hope Scholarship Credit to cover fees, books, supplies, and equipment and to exempt Federal Pell Grants and Federal supplemental educational opportunity grants from reducing expenses taken into account for the Hope Scholarship Credit; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 626. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of alternative fuel vehicles; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 627. A bill to designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the ''Linda White-Epps Post Office''; to the Committee on Government Reform.

By Mr. EMANUEL (for himself, Mr. SNYDER, Mr. REYES, Mr. ABERCROMBIE, Mr. GUTIERREZ, Mr. HINCHEY, Mrs. MALONEY, Mr. PAYNE, Ms. WOOLSEY, Mr. BERRY, Mr. KENNEDY of Rhode Island, Mr. ENGEL, and Ms. DELAURO):

H.R. 628. A bill to amend the Public Health Service Act to provide for an influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, 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. FALEOMAVAEGA:

H.R. 629. A bill to extend the possession tax credit with respect to American Samoa an additional 10 years; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 630. A bill to authorize the Secretary of the Interior to convey certain Federal lands to the City of Yuma, Arizona, in exchange for certain lands owned by the City of Yuma, Arizona, and for other purposes; to the Committee on Resources.

By Mr. GRIJALVA:

H.R. 631. A bill to provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes; to the Committee on Resources.

By Mr. HEFLEY (for himself, Mr. UDALL of Colorado, Mr. SALAZAR, and Ms. DEGETTE):

H.R. 632. A bill to require the Secretary of the Army to carry out a pilot project on compatible use buffers on real property bordering Fort Carson, Colorado, and for other purposes; to the Committee on Armed Services.

By Mr. HOYER (for himself, Ms. KILPATRICK of Michigan, Mr. VAN HOLLEN, Mr. FORD, Mr. HOLDEN, Mr. SERRANO, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. GRIJALVA, Ms. WOOLSEY, Mr. MARKEY, Mr. LANTOS, Mr. HINCHEY, Ms. WATERS, Ms. CORRINE BROWN of Florida, Mr. NADLER, Mr. OWENS, Mrs. MALONEY, Mr. ACKERMAN, Mr. SCHIFF, Mr. CUMMINGS, Mr. DAVIS of Tennessee, Mr. HASTINGS of Florida, Mr. CROWLEY, Mrs. TAUSCHER, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. FILNER, Mr. MICHAUD, Mr. RUPPERSBERGER, Mr. STRICKLAND, Mr. BRADY of Pennsylvania, Mr. MOORE of Kansas, Mr. OLVER, Mr. FARR, Mr. PRICE of North Carolina, Mrs. MCCARTHY, Mr. ALLEN, Ms. JACKSON-LEE of Texas, Mr. GORDON, Mr. LIPINSKI, Mr. WOLF, Ms. LINDA T. SÁNCHEZ of California, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. SIMMONS, and Mr. MCHUGH):

H.R. 633. A bill to amend title 5, United States Code, to increase the level of Government contributions under the Federal employees health benefits program; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CROWLEY, Mr. LIPINSKI, Mr. TOWNS, and Ms. KAPTUR):

H.R. 634. A bill to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act, subject to special conditions; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. LIPINSKI, Mr. SHIMKUS, Mr. CROWLEY, and Mr. WEINER):

H.R. 635. A bill to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 636. A bill to suspend temporarily the duty on Allyl Pentaerythritol (APE); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 637. A bill to suspend temporarily the duty on Butyl Ethyl Propanediol (BEPD); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 638. A bill to suspend temporarily the duty on BEPD70L; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 639. A bill to suspend temporarily the duty on Boltorn-1 (Bolt-1); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 640. A bill to suspend temporarily the duty on Boltorn-2 (Bolt-2); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 641. A bill to suspend temporarily the duty on Cyclic TMP Formal (CTF); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 642. A bill to suspend temporarily the duty on DiTMP; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 643. A bill to suspend temporarily the duty on Polyol DPP (DPP); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 644. A bill to suspend temporarily the duty on Hydroxypivalic Acid (HPA); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 645. A bill to suspend temporarily the duty on TMPDE; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 646. A bill to suspend temporarily the duty on TMPME; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 647. A bill to suspend temporarily the duty on TMP Oxetane (TMPO); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 648. A bill to suspend temporarily the duty on TMPO Ethoxylate (TMPOE); to the Committee on Ways and Means.

By Mr. KELLER:

H.R. 649. A bill to amend title 18, United States Code, to provide a criminal penalty for journalists, who, without disclosure, accept Government payments to promote Government policies, and for other purposes; to the Committee on the Judiciary.

By Mr. KELLER:

H.R. 650. A bill to establish reasonable legal reforms that will facilitate the manufacture of vital, life-saving vaccines, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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. KING of Iowa (for himself, Mr. SHIMKUS, Mr. LEACH, Mr. LATHAM, and Mr. NUSSLE):

H.R. 651. A bill to amend the Internal Revenue Code of 1986 to make improvements to assist young farmers and ranchers; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself, Mr. BAKER, Mr. BEAUPREZ, Mr. BERRY, Mr. BISHOP of New York, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOSWELL, Mrs. CAPITO, Mr. DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. FOLEY, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GORDON, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. HAYWORTH, Mr. HOLDEN, Mr. JOHNSON of Illinois, Mr. LARSEN of Washington, Mr. LEWIS of Georgia, Mr. MCINTYRE, Mr. MATHESON, Mr. GARY G. MILLER of California, Mrs. NORTHUP, Mr. PETRI, Mr. PLATTS, Mr. REHBERG, Mr. ROGERS of Michigan, Mr. SHAW, Mr. SHUSTER, Mr. SIMMONS, Mr. TERRY, Mr. WAMP, Mr. WELLER, Mr. WICKER, and Mr. WILSON of South Carolina):

H.R. 652. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Ways and Means.

By Mr. MOORE of Kansas (for himself, Mr. HOLDEN, Mr. EDWARDS, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. CASE, Mr. BAIRD, Mr. COOPER, Mr. FORD, Mr. BERRY, Ms. WASSERMAN SCHULTZ, Mr. CUELLAR, and Mr. ISRAEL):

H.R. 653. A bill to amend title II of the Social Security Act to ensure that the receipts and disbursements of the Social Security trust funds are not included in a unified Federal budget; to the Committee on the Budget, 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. MORAN of Virginia (for himself, Mr. CONYERS, Ms. NORTON, Mr. WEXLER, Mrs. MALONEY, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, Ms. WATSON, Mr. MARKEY, Mr. WYNN, Mr. EVANS, Mr. TOWNS, Mr. BLUMENAUER, Mr. MCDERMOTT, Mrs. MCCARTHY, Ms. SLAUGHTER, Ms. ZOE LOFGREN of California, and Ms. CARSON):

H.R. 654. A bill to ban the transfer of 50 caliber sniper weapons, and otherwise regulate the weapons in the same manner as machine guns are regulated; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, 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. NADLER (for himself, Mrs. MCCARTHY, Mr. KILDEE, Ms. BORDALLO, Mr. MCGOVERN, and Mr. OWENS):

H.R. 655. A bill to amend part D of title XVIII of the Social Security Act to condition the payment of employer prescription drug subsidies on the maintenance of current prescription drug benefits; 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. OBERSTAR:

H.R. 656. A bill to amend title 49, United States Code, to enhance the safety of the commercial human space flight industry; to the Committee on Science.

By Mr. PAYNE (for himself, Mr. CASTLE, Mr. SCOTT of Virginia, and Mr. WOLF):

H.R. 657. A bill to award posthumously a congressional gold medal to Thurgood Marshall; to the Committee on Financial Services.

By Mr. PITTS (for himself and Mr. GERLACH):

H.R. 658. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of farmland development rights; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. NEAL of Massachusetts, Mr. ENGLISH of Pennsylvania, Mrs. JONES of Ohio, Mr. TURNER, and Mr. MILLER of North Carolina):

H.R. 659. A bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 660. A bill to award a congressional gold medal to Ossie Davis in recognition of his many contributions to the Nation; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 661. A bill to provide for naturalization through service in a combat zone designated in connection with Operation Iraqi Freedom, and for other purposes; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 662. A bill to permit expungement of records of certain nonviolent criminal offenses; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 663. A bill to secure the Federal voting rights of certain qualified ex-offenders who have served their sentences; to the Committee on the Judiciary.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. MEEHAN, Mrs. TAUSCHER, Mrs. DAVIS of California, Mr. ABERCROMBIE, Mr. EVANS, Mr. MCGOVERN, Mr. MEEK of Florida, and Ms. BORDALLO):

H.R. 664. A bill to amend the Uniform Code of Military Justice to bring sexual assault crimes under military law into parallel with sexual assault crimes under Federal law, and for other purposes; to the Committee on Armed Services.

By Mr. SCHIFF (for himself, Mr. SHAYS, Mr. BUTTERFIELD, Mr. CHANDLER, Mrs. DAVIS of California, Mr. EDWARDS, Mr. GRIJALVA, Mr. HOLT, Mr. ISRAEL, Mrs. MALONEY, Mr. SCOTT of Georgia, Mr. SHERMAN, and Ms. WATSON):

H.R. 665. A bill to prevent access by terrorists to nuclear material, technology, and expertise, to establish an Office of Nonproliferation Programs in the Executive Office of the President, and for other purposes; to the Committee on International Relations.

By Mr. SPRATT (for himself and Mrs. JO ANN DAVIS of Virginia):

H.R. 666. A bill to establish a new allowance for members of the Armed Forces serving in Iraq or Afghanistan to cover the premiums for Servicemembers' Group Life Insurance coverage obtained by the members; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 667. A bill to direct the Secretary of the Army to carry out the dredging project, Menominee Harbor, Menominee River, Michigan and Wisconsin; to the Committee on Transportation and Infrastructure.

By Mr. WAXMAN (for himself, Mr. BROWN of Ohio, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, and Mr. RUSH):

H.R. 668. A bill to direct the Consumer Product Safety Commission to classify certain children's products containing lead to be banned hazardous substances; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina (for himself, Mr. BAKER, Mr. GINGREY, Mr. OWENS, Mr. DEFAZIO, Mr. CASE, Mr. WHITFIELD, Mr. KIND, Mr. MCCRERY, Mr. PICKERING, Mr. SIMMONS, Mr. BARTLETT of Maryland, Mr. RUPPERSBERGER, Mrs. CAPITO, Mr. MARSHALL, Mr. BLUMENAUER, Mr. PASTOR, Mr. MCINTYRE, Mr. SPRATT, Mr. YOUNG of Alaska, Mr. RAHALL, and Ms. HOOLEY):

H.R. 669. A bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Youth Challenge Program; to the Committee on Armed Services.

By Mr. WILSON of South Carolina:

H.R. 670. A bill to make permanent the teacher loan forgiveness provisions of the Taxpayer-Teacher Protection Act of 2004, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. KUCINICH, Mr. MCDERMOTT, and Mrs. CHRISTENSEN):

H.R. 676. A bill to provide for comprehensive health insurance coverage for all United States residents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Resources, and Veterans' Affairs, 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. BOEHLERT (for himself, Mr. GORDON, Mr. ROHRABACHER, Mr. AKIN, Mr. EHLERS, Mr. LIPINSKI, Mr. SCHWARZ of Michigan, Mr. BAIRD, and Mr. UDALL of Colorado):

H. Con. Res. 46. Concurrent resolution congratulating ASME on their 125th anniversary, celebrating the achievements of ASME members, and expressing the gratitude of the American people for ASME's contributions; to the Committee on Science.

By Mr. CROWLEY (for himself, Mr. GEORGE MILLER of California, Mrs. JONES of Ohio, Mr. WEINER, Mr. DELAHUNT, Mr. BISHOP of Georgia, Mrs. MALONEY, Mr. OWENS, and Mr. WEXLER):

H. Con. Res. 47. Concurrent resolution commending the establishment in College Point, New York, of the first kindergarten in the United States; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Con. Res. 48. Concurrent resolution calling for the removal of all restrictions from the public, the press, and military families in mourning that would prohibit their presence at the arrival at military installations in the United States or overseas of the remains of the Nation's fallen heroes, the members of the Armed Forces who have died in Iraq or Afghanistan, with the assurance that family requests for privacy will be respected; to the Committee on Armed Services.

By Mr. TANCREDO (for himself, Mr. SESSIONS, Mr. PITTS, Mr. GOODE, Mr.

PENCE, and Mr. JONES of North Carolina):

H. Con. Res. 49. Concurrent resolution recognizing the importance of Western civilization; to the Committee on Education and the Workforce.

By Mr. BOUSTANY:

H. Res. 68. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. BISHOP of Georgia (for himself, Mr. KINGSTON, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Mr. WESTMORELAND, Ms. KILPATRICK of Michigan, Mr. CUMMINGS, Mr. JEFFERSON, Mr. CAPUANO, Mrs. MALONEY, Mr. PAYNE, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Ms. LEE, Mr. GRIJALVA, Ms. WATSON, Mr. MCGOVERN, Mr. UDALL of Colorado, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. WATT, Mr. TOWNS, Ms. WATERS, Ms. MOORE of Wisconsin, Mr. WAXMAN, Ms. MILLENDER-MCDONALD, Mr. BISHOP of New York, Mr. MENENDEZ, Ms. NORTON, Mr. FORD, Mr. RANGEL, Mr. ABERCROMBIE, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. GONZALEZ, Mr. ENGEL, Mr. ROSS, Mr. MARSHALL, Ms. BORDALLO, Mr. FATTAH, Mr. OWENS, Mr. SCOTT of Virginia, Mr. WEINER, Mr. HONDA, Mrs. LOWEY, Mr. SERRANO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANTOS, Ms. WOOLSEY, Mr. MOORE of Kansas, Mr. BARROW, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Ms. CARSON, Mr. OBERSTAR, Mr. MEEK of Florida, Mr. RUSH, Mr. CLEAVER, Mr. WYNN, Mr. BUTTERFIELD, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. CLAY, Mr. AL GREEN of Texas, Mr. DAVIS of Alabama, Mr. DEAL of Georgia, Mr. THOMPSON of Mississippi, Mr. CLYBURN, and Mr. HASTINGS of Florida):

H. Res. 69. A resolution honoring the life and accomplishments of the late Ossie Davis; to the Committee on Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. SESSIONS, Mr. BARTON of Texas, Mr. GENE GREEN of Texas, and Mr. SAM JOHNSON of Texas):

H. Res. 70. A resolution to honor and recognize the achievements of Emmitt Smith; to the Committee on Government Reform.

By Mr. MEEHAN (for himself, Mr. WELDON of Pennsylvania, Mr. COX, Mr. SHIMKUS, Mr. SNYDER, and Mr. MCGOVERN):

H. Res. 72. A resolution urging the interim Government of Iraq ensure that the charges brought against Saddam Hussein include charges for the crimes his government committed against the people of Iran during the Iran-Iraq war from 1980 to 1988; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CROWLEY:

H.R. 671. A bill for the relief of Saikou A. Diallo; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 672. A bill for the relief of Maria Cristina Degrassi; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 673. A bill for the relief of Denes and Gyorgyi Fulop; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 674. A bill for the relief of Kuan-Wei Liang and Chun-Mei Hsu-Liang; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 675. A bill for the relief of Maria Del Refugio Plascencia and Alfredo Plascencia-Lopez; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 677. A bill for the relief of Kadiatou Diallo, Laouratou Diallo, Ibrahima Diallo, Abdoul Diallo, Mamadou Bobo Diallo, Mamadou Pathe Diallo, Fatoumata Traore Diallo, Sankarela Diallo, and Marliatou Bah; to the Committee on the Judiciary.

By Mr. WILSON of South Carolina:

H.R. 678. A bill for the relief of Griselda Lopez Negrete; 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. 11: Mr. CONYERS, Mr. CHANDLER, Mr. MICHAUD, and Mrs. WILSON of New Mexico.

H.R. 13: Mr. WELLER, Ms. CARSON, Mr. CARNAHAN, Mr. GILLMOR, Mr. PUTNAM, Mr. BURTON of Indiana, and Mr. LEACH.

H.R. 16: Mr. COLE of Oklahoma and Mr. PICKERING.

H.R. 17: Mr. KLINE.

H.R. 20: Mr. MILLER of North Carolina.

H.R. 22: Mr. OXLEY, Mr. CHANDLER, and Mr. LARSEN of Washington.

H.R. 23: Mr. OSBORNE, Mr. BACA, Mr. BISHOP of New York, Mr. MORAN of Kansas, Mr. MICHAUD, Mr. HOLT, Mrs. DAVIS of California, Mr. MEEKS of New York, Mr. LAHOOD, Mr. CALVERT, Mr. KUCINICH, Ms. DEGETTE, Mr. CASE, and Mr. BUTTERFIELD.

H.R. 25: Mr. HALL, Mr. PEARCE, Mr. BONILLA, and Mrs. CUBIN.

H.R. 27: Mr. ENGLISH of Pennsylvania, Mr. FORTUÑO, and Mr. RADANOVICH.

H.R. 28: Mr. GORDON.

H.R. 29: Mr. LEWIS of Georgia, Mr. DUNCAN, and Mr. BACHUS.

H.R. 32: Mr. JENKINS, Mr. MCKEON, Mr. KILDEE, and Mr. PLATTS.

H.R. 34: Mr. DAVIS of Kentucky, Mr. BROWN of South Carolina, Mr. WICKER, Mr. SPRATT, Mr. GOODE, Mr. ORTIZ, Mr. MORAN of Virginia, Mr. MCKEON, Mr. MORAN of Kansas, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. LAHOOD, Mrs. CUBIN, Mr. DELAHUNT, and Mr. BUTTERFIELD.

H.R. 40: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, and Mrs. CHRISTENSEN.

H.R. 42: Mrs. MYRICK, Mrs. JO ANN DAVIS of Virginia, Mr. WILSON of South Carolina, Mr. DOOLITTLE, Mr. GENE GREEN of Texas, and Mr. FORTUÑO.

H.R. 47: Mr. DOOLITTLE, Mr. RAHALL, and Mr. SESSIONS.

H.R. 63: Mr. BERMAN, Mr. HONDA, and Mr. WAXMAN.

H.R. 64: Mr. WELDON of Pennsylvania, Mr. GOHMERT, Mr. REICHERT, Mr. BEAUPREZ, Mr. SENSENBRENNER, Mr. LAHOOD, Mr. CARTER, Mr. SESSIONS, Mr. HENSARLING, Mr. MCCOTTER, Mr. HAYES, Mr. REHBERG, Mr. HERGER, Mr. HAYWORTH, Mr. BOUCHER, and Mr. TAYLOR of North Carolina.

H.R. 68: Mr. DUNCAN, Mr. CUNNINGHAM, Mr. ROSS, Mr. MEEK of Florida, Mr. MANZULLO, Mr. PORTMAN, Mr. FOSSELLA, Mr. PUTNAM, Mr. HAYES, Mr. FORD, and Mr. GONZALEZ.

H.R. 98: Mr. DANIEL E. LUNGREN of California.

H.R. 113: Mr. LAHOOD and Mr. JOHNSON of Illinois.

H.R. 114: Mr. GUTIERREZ, Ms. KILPATRICK of Michigan, Ms. CARSON, Mr. UDALL of Colorado, Mr. SCOTT of Georgia, and Mr. WAXMAN.

H.R. 127: Mr. DOGGETT.

H.R. 128: Mr. SERRANO, Mr. WYNN, Mr. TOWNS, and Ms. MILLENDER-MCDONALD.

H.R. 136: Mr. SHAYS, Mr. RYUN of Kansas, Mr. CUNNINGHAM, Mr. BAKER, Mr. BRADLEY of New Hampshire, and Mr. HOSTETTLER.

H.R. 179: Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida, and Mr. MCCOTTER.

H.R. 180: Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida, and Mr. MCCOTTER.

H.R. 181: Mr. BARTLETT of Maryland, Mr. SIMPSON, Mr. WAMP, Mr. NORWOOD, Mr. PENCE, and Mr. HUNTER.

H.R. 188: Mr. ROSS, Mr. WAXMAN, Ms. LEE, Mr. NADLER, Mr. TOWNS, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Mr. FATTAH, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Mr. JACKSON of Illinois, and Mr. RUSH.

H.R. 215: Mr. DAVIS of Alabama and Mr. BONNER.

H.R. 226: Mr. REYES, Mr. MCHUGH, and Mr. FORTUÑO.

H.R. 268: Mr. ROGERS of Michigan.

H.R. 278: Mr. UPTON and Mr. GENE GREEN of Texas.

H.R. 284: Mr. HOLDEN, Mr. LIPINSKI, Mr. TOWNS, Mr. BACA, Mr. PALLONE, and Mr. WYNN.

H.R. 292: Mr. BLUNT, Mr. CHOCOLA, Mr. POE, Mr. UPTON, Mr. KANJORSKI, Mr. WILSON of South Carolina, Mr. SESSIONS, Mr. BISHOP of New York, Mr. FLAKE, Ms. DEGETTE, Mr. PORTMAN, Mr. CASTLE, Mr. LUCAS, Mr. RYAN of Wisconsin, Ms. SCHWARTZ of Pennsylvania, Mr. RAHALL, Mr. VISCLOSKY, and Mr. GOHMERT.

H.R. 302: Mr. MCDERMOTT, Mr. CALVERT, Mr. VAN HOLLEN, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. INSLEE, Mr. PALLONE, and Mr. JOHNSON of Illinois.

H.R. 304: Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. BOOZMAN, Mr. HASTINGS of Florida, Mr. MACK, and Mr. POE.

H.R. 310: Mr. PICKERING, Mr. STEARNS, Mr. BUYER, Ms. GINNY BROWN-WAITE of Florida, Mr. WALSH, Mr. HOLDEN, Mr. WICKER, Mr. MILLER of Florida, Mr. BACHUS, Mr. COSTELLO, Mr. CHANDLER, Mr. HAYES, Mr. DEAL of Georgia, Mr. OSBORNE, Mr. GORDON, Mr. ETHERIDGE, Mr. DAVIS of Florida, Mr. MATHESON, Mr. BOOZMAN, and Ms. ESHOO.

H.R. 313: Mr. ROGERS of Alabama and Mr. BURTON of Indiana.

H.R. 314: Mr. ROGERS of Alabama and Mr. DEFAZIO.

H.R. 328: Mr. HASTINGS of Washington, Mr. WOLF, Mr. COOPER, Mr. ABERCROMBIE, Mrs. MUSGRAVE, Mr. SHAYS, Mr. NADLER, Mr. PLATTS, Mr. CHANDLER, Mr. KOLBE, Mr. BOOZMAN, and Mr. STARK.

H.R. 330: Mr. RENZI.

H.R. 331: Mr. GRIJALVA, Mr. PALLONE, Mr. RANGEL, Mr. OBERSTAR, Mr. TOWNS, Mr. RENZI, Mr. CASE, Mr. FILNER, and Mr. KENNEDY of Rhode Island.

H.R. 333: Mr. ABERCROMBIE, Mr. ALEXANDER, Mr. NEAL of Massachusetts, Mr. ROSS, Mr. KUCINICH, Ms. LEE, Mr. WEXLER, Mr. GORDON, Mrs. MCCARTHY, Mr. BERRY, and Mr. RENZI.

H.R. 356: Mr. BROWN of South Carolina, Mr. KLINE, Mr. HOEKSTRA, Ms. HARRIS, Miss MCMORRIS, Mr. PAUL, Mr. PETRI, Mr. EHLERS, Mr. DANIEL E. LUNGREN of California, Mr. GARY G. MILLER of California, Mr. TERRY, Mr. MANZULLO, Mr. OXLEY, Mr. FRANKS of Arizona, and Mr. BARRETT of South Carolina.

H.R. 368: Mr. PLATTS, Mr. SHAYS, and Mrs. MILLER of Michigan.

H.R. 369: Mr. GREEN of Wisconsin and Mr. CONYERS.

H.R. 371: Mr. HINCHEY, Mr. TIBERI, Mr. PALLONE, Mr. WEXLER, Mr. STARK, Ms. BORDALLO, and Mr. GEORGE MILLER of California.

H.R. 373: Ms. LEE, Mr. MCGOVERN, Mr. DEFAZIO, Mr. FARR, Mr. INSLEE, Mr. WEXLER, Mr. STARK, Mr. ACKERMAN, Mr. MARKEY, and Mr. BLUMENAUER.

H.R. 376: Mr. ALLEN, Mr. CROWLEY, Mrs. MCCARTHY, Mr. PASCRELL, Mr. MORAN of Virginia, Mr. CLEAVER, Mr. MILLER of North Carolina, Ms. SLAUGHTER, Mr. STRICKLAND, Mrs. CAPPS, Mr. BAIRD, Mr. HONDA, Mr. ISRAEL, Mr. THOMPSON of California, Ms. HERSETH, Mr. GORDON, Ms. CARSON, Ms. HOOLEY, Mr. DAVIS of Alabama, Mr. PRICE of North Carolina, Mr. GUTIERREZ, Mr. HOLDEN, Mr. BUTTERFIELD, Mr. GRIJALVA, Mr. KILDEE, Ms. WASSERMAN SCHULTZ, Mr. BACA, Ms. HARMAN, Mr. GONZALEZ, Mr. EDWARDS, Mr. FARR, Mr. RUPPERSBERGER, Ms. LEE, Mr. FORD, Mr. CONYERS, Mr. BROWN of Ohio, Mr. STUPAK, Ms. BORDALLO, Ms. MOORE of Wisconsin, Mr. KENNEDY of Rhode Island, Mr. BISHOP of New York, Mr. FRANK of Massachusetts, Mr. NADLER, and Mr. CHANDLER.

H.R. 380: Mr. CHOCOLA and Mr. SHUSTER.

H.R. 389: Mr. RAHALL, Mr. PUTNAM, and Mr. REYNOLDS.

H.R. 401: Mr. MILLER of Florida.

H.R. 402: Mr. SIMMONS.

H.R. 403: Mr. MILLER of Florida.

H.R. 404: Mr. MILLER of Florida.

H.R. 406: Mr. MILLER of Florida.

H.R. 408: Mr. RENZI, Mr. WELDON of Pennsylvania, and Mr. HERGER.

H.R. 418: Mr. BONILLA, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. HALL, Mr. MCHENRY, Mr. PLATTS, Mr. RYUN of Kansas, Mr. WALDEN of Oregon, Mr. JENKINS, Mr. MARCHANT, Mr. FITZPATRICK of Pennsylvania, and Mr. DENT.

H.R. 420: Mr. COX, Mr. SIMPSON, and Mr. BARTLETT of Maryland.

H.R. 425: Mr. LEWIS of Georgia.

H.R. 454: Mr. KLINE, Mrs. JO ANN DAVIS of Virginia, Mr. BEAUPREZ, Mr. SHIMKUS, Ms. HART, Mr. GOHMERT, Mr. BOUSTANY, Mr. SESSIONS, and Mr. MCCRERY.

H.R. 457: Mr. BURTON of Indiana, Mr. FOLEY, and Mr. MCCOTTER.

H.R. 459: Mrs. JONES of Ohio, Ms. BALDWIN, Mr. WYNN, Mr. GRIJALVA, Mr. BROWN of Ohio, and Mr. LIPINSKI.

H.R. 483: Ms. JACKSON-LEE of Texas, Mr. HALL, Mr. GENE GREEN of Texas, and Mr. SESSIONS.

H.R. 490: Mr. FEENEY.

H.R. 493: Mrs. CHRISTENSEN, Mr. OWENS, and Mr. CUMMINGS.

H.R. 499: Mr. FRANK of Massachusetts and Mr. BISHOP of New York.

H.R. 515: Mr. DAVIS of Florida.

H.R. 516: Mr. OXLEY, Mrs. MUSGRAVE, Mr. UPTON, and Mr. OTTER.

H.R. 525: Mr. DOOLITTLE, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. MILLER of Florida, Mr. SENSENBRENNER, Mrs. NORTHUP, Mr. PENCE, Mr. BACHUS, Mr. FRANKS of Arizona, Mr. JONES of North Carolina, Mr. SHAW, Mr. ROGERS of Michigan, Mrs. MUSGRAVE, Mr. GARRETT of New Jersey, Mr. MCKEON, Ms. GINNY BROWN-WAITE of Florida, Ms. BORDALLO, Mr. GOHMERT, Mr. HYDE, and Mr. KELLER.

H.R. 526: Mr. LEWIS of Georgia and Mr. PORTER.

H.R. 528: Mr. FORTUÑO and Mr. LEWIS of Georgia.

H.R. 530: Mr. SHADEGG and Mr. DOOLITTLE.

H.R. 533: Mr. WAXMAN, Mr. BROWN of Ohio, Mr. TOWNS, Ms. KAPTUR, and Ms. MCCOLLUM of Minnesota.

H.R. 535: Mr. GENE GREEN of Texas, Ms. SOLIS, Mr. WAXMAN, Mr. BERMAN, Mr. MCDERMOTT, Mr. SHERMAN, Mr. GRIJALVA, Mr. OWENS, and Mr. GONZALEZ.

H.R. 554: Mr. MILLER of Florida, Mr. HALL, and Mr. FORTUÑO.

H.R. 556: Ms. ZOE LOFGREN of California, Mr. COSTELLO, Mr. FOLEY, Mr. SMITH of Washington, Mr. CALVERT, Mr. GERLACH, Mr. PORTER, Ms. BALDWIN, Mr. VAN HOLLEN, Ms. CARSON, Mr. HIGGINS, and Mrs. JOHNSON of Connecticut.

H.R. 576: Mr. FRANKS of Arizona.

H.R. 580: Mr. TANCREDO.

H.R. 581: Mr. FATTAH, Mr. SPRATT, and Ms. JACKSON-LEE of Texas.

H.R. 583: Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. COSTELLO, Mr. NADLER, and Mr. REYES.

H.R. 596: Mr. SABO, Mr. ANDREWS, Mrs. MUSGRAVE, Mr. BISHOP of Georgia, and Mr. RYAN of Ohio.

H.R. 602: Mr. MICHAUD, Mr. REYES, Mr. TAYLOR of Mississippi, Mr. FILNER, Mr. BASS, Mr. FOLEY, Mr. LYNCH, Mr. DICKS, Mr. CALVERT, Mr. DEFAZIO, Mrs. DAVIS of California, Mr. KILDEE, Ms. BORDALLO, Mr. MCDERMOTT, Mr. UDALL of New Mexico, Mr. FARR, Mr. BROWN of Ohio, Mr. KIND, Mr. BLUMENAUER, Ms. KAPTUR, Mr. PALLONE, Mr. SIMMONS, Mr. SERRANO, Mr. LEWIS of Kentucky, Mr. MOORE of Kansas, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. WYNN, Mr. KING of Iowa, Mrs. MALONEY, Mr. ISRAEL, Mr. SCOTT of Georgia, Mr. OBERSTAR, Mr. RYAN of Ohio, Mr. DOGGETT, Mr. TOWNS, Mrs. MCCARTHY, Mr. DUNCAN, Mr. HALL, Mr. HOLDEN, Mr. LAHOOD, Mr. GEORGE MILLER of California, Mr. BERRY, Mr. SHIMKUS, Mr. BUTTERFIELD, Mr. BOYD, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, and Mr. BISHOP of New York.

H.J. Res. 10: Mr. LANGEVIN, Mr. RAHALL, Mrs. MUSGRAVE, and Mr. PICKERING.

H. Con. Res. 6: Mr. FOLEY, Mr. LEWIS of California, Mr. GILLMOR, Mr. BARRETT of South Carolina, Mr. MCCOTTER, and Mr. FITZPATRICK of Pennsylvania.

H. Con. Res. 18: Mr. SENSENBRENNER and Mr. CHANDLER.

H. Con. Res. 26: Mr. CAPUANO, Mr. MCGOVERN, Ms. KAPTUR, Mr. ROSS, Mr. KNOLLENBERG, Mr. MORAN of Virginia, Mr. CUMMINGS, Ms. NORTON, Ms. WATSON, Mr. COOPER, Mrs. NAPOLITANO, Mr. PORTER, Mr. UPTON, Mr. WILSON of South Carolina, Mr. MENENDEZ, Mr. TERRY, Mr. WAXMAN, Mr. BAIRD, and Mr. HONDA.

H. Con. Res. 30: Mr. KILDEE, Mr. CAPUANO, Ms. WATSON, Mr. AL GREEN of Texas, and Mr. NADLER.

H. Con. Res. 32: Mr. PITTS, Mr. MCNULTY, Mr. WEXLER, and Mr. SHIMKUS.

H. Res. 22: Mrs. BLACKBURN and Mr. CASE.

H. Res. 38: Mr. MILLER of Florida, Mr. MCNULTY, Mr. GORDON, Mr. GILLMOR, Mr. RENZI, Mr. CHANDLER, Mr. UPTON, Mr. MENENDEZ, Mr. FRANK of Massachusetts, and Mr. SESSIONS.

H. Res. 41: Mr. MURPHY, Mr. JENKINS, Mr. BUTTERFIELD, Mr. HAYES, Mr. ABERCROMBIE, Mr. KINGSTON, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Mr. CHANDLER, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. DAVIS of Tennessee, Mr. GOODE, Mr. MILLER of North Carolina, Mr. MOORE OF KANSAS, Mr. ISRAEL, Mr. BOREN, Ms. HARMAN, Mr. MICHAUD, Mr. COSTA, Mr. BOSWELL, Ms. HERSETH, Mr. CASE, Mr. HOLDEN, Mr. SALAZAR, Mr. BERRY, Mr. CARDOZA, Mr. SCHIFF, Mr. MATHESON, Mr. ROSS, Mr. MCHENRY, Mr. HENSARLING, Mr. NEAL OF MASSACHUSETTS, Ms. PRYCE OF OHIO, Mr. MENENDEZ, Mr. DELAHUNT, Ms. MCCOLLUM of Minnesota, Mr. ALLEN, Mr. HASTINGS OF FLORIDA, Mr. SPRATT, Mr. SKELTON, Mr. ANDREWS, Mr. EMANUEL, Mr. WAMP, Mr. WOLF, Mr. TOWNS, Ms. MILLENDER-MCDONALD, and Mr. MOLLOHAN.

H. Res. 46: Mr. ROGERS of Michigan, Mr. WAXMAN, and Mr. GILLMOR.

H. Res. 54: Mr. PITTS, Mr. MILLER of Florida, Mr. WEXLER, Mr. MCNULTY, Mr. WALSH, Mr. MENENDEZ, and Mr. FRANK of Massachusetts.

H. Res. 55: Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. CASE, Mr. ACKERMAN, Mr. GILLMOR, Mr. WAXMAN, Ms. ESHOO, Mr. KENNEDY of Rhode Island, Mr. NADLER, AND Mr. UPTON.

H. Res. 61: Mr. CONYERS and Mr. WAXMAN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 418

OFFERED BY: MRS. JOHNSON OF CONNECTICUT

AMENDMENT NO. 1: Page 28, after line 4, insert the following:

TITLE III—PREVENTNG UNINTENDED UNITED STATES JOB LOSSES

SEC. 301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The H–1B and L–1 visa programs were established to enable United States employers to hire workers with the necessary skills and allow the intracompany transfer of certain workers in the employ of companies with operations outside of the United States.

(2) Employers have used the H–1B and L–1 visa programs to fill hundreds of thousands of positions in United States firms.

(3) According to a General Accounting Office report, 60 percent of the positions being filled by workers provided under the H–1B visa program are related to information technology.

(4) The median annual salaries for information technology employment was $45,000 in 1999.

(5) In 2001, Congress specifically banned the displacement of United States employees by H–1B visa holders and mandated that employers pay H–1B workers prevailing United States wages.

(6) United States unemployment in information technology specialties has increased over the last 2 years making it more difficult for employers to certify that they are unable to find American information technology employees to fill vacancies as required to gain approval of H–1B visa applications.

(7) United States consular officers in foreign countries in the past have expressed concerns that the L–1 visa program was being exploited beyond the original purpose of the program by allowing employers to bring in workers who subsequently are employed by other companies.

(8) It has been reported that the former Immigration and Naturalization Service was reviewing the L–1 visa program to assess whether companies were using the L–1 visa to circumvent restrictions associated with the H–1B visa program.

(9) The Department of Labor has had very limited authority to enforce the program requirements of the H–1B visa program and no legal authority to police the L–1 visa program.

(10) Historical weaknesses in the administration of the H–1B program by the former Immigration and Naturalization Service caused unnecessary delays in processing employer requests and also made the H–1B program vulnerable to abuse.

(b) PURPOSE.—The purpose of this Act is to ensure that the H–1B and L–1 visa programs are utilized for the purposes for which they were intended and not to displace American workers with lower cost foreign visa holders, by closing the loopholes in the programs and strengthening enforcement and penalties for violations of laws.

SEC. 302. L–1 NONIMMIGRANT VISAS.

(a) WAGE REQUIREMENTS; LIMITATION ON PLACEMENT OF INTRACOMPANY TRANSFEREES; DISPLACEMENT OF WORKERS.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following:

''(F) No alien may be admitted or provided status as a nonimmigrant described in section 101(a)(15)(L) unless the importing employer has filed with the Secretary of Labor an application stating the following:

''(i) The employer shall make available for public examination, not later than 1 working day after the date on which an application under this subparagraph is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary). The Secretary shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subparagraph. The Secretary shall make such list available for public examination in Washington, D.C. The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that an application is incomplete or obviously inaccurate, the Secretary of Labor shall certify to the Secretary of Homeland Security, not later than 7 days after the date of the filing of the application, that the requirements of this subclause have been satisfied.

''(ii) The employer is offering and will offer during the period of authorized employment to aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(L) wages that are at least—

''(I) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; or

''(II) the prevailing wage level for the occupational classification in the area of employment;

whichever is greater, based on the information available at the time of filing the application.

''(iii) The employer did not displace and will not displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of filing of any visa petition supported by the application.

''(iv) The provisions of section 212(n)(2) shall apply to a failure to meet a condition of clauses (i), (iii), and (iv) and subparagraph (G) in the same manner as such provisions apply to a failure to meet a condition of section 212(n)(1)(F).''.

(b) APPROPRIATE AGENCIES REFERENCES.—Section 214(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(1)) is amended by inserting after ''Department of Agriculture.'' the following: ''For purposes of this subsection with respect to nonimmigrants described in section 101(a)(15)(L), the term 'appropriate agencies of Government' means the Department of Labor.''.

(c) RESTRICTION OF BLANKET PETITIONS.—Section 214(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(A)) is amended by striking ''In the case of'' and all that follows through the period and inserting the following: ''Not later than January 15 of each year, the Secretary of Homeland Security shall consult with the Secretary of Labor to ensure that procedures utilized in that calendar year to process blanket petitions shall not undermine efforts by the Department of Labor to enforce the provisions of this subsection and shall consider any recommendations that the Secretary of Labor proposes to such procedures to enhance compliance with the provisions of this subsection.''.

(d) ACTION ON PETITIONS.—Section 214(c)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(C)) is amended by inserting before the period the following: '', unless the Secretary of Homeland Security, after consultation with the Secretary of Labor, determines that an additional period of time beyond 30 days is necessary to ensure the proper implementation of this subsection''.

(e) EMPLOYMENT HISTORY.—Section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) is amended by striking ''one year'' and inserting ''2 of the last 3 years''.

(f) PERIOD OF ADMISSION.—Section 214(c)(2)(D) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(D)) is amended—

(1) in clause (i), by striking ''7 years'' and inserting ''5 years''; and

(2) in clause (ii), by striking ''5 years'' and inserting ''3 years''.

(g) RECRUITMENT; ADMINISTRATIVE FEE; DEFINITIONS.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by subsection (a), is further amended by adding at the end the following:

''(G) In the case of a petition to import aliens as nonimmigrants in a capacity that involves specialized knowledge as described in section 101(a)(15)(L), the employer, prior to filing the petition, shall file with the Secretary of Labor an application stating that the employer has taken good faith steps to recruit, in the United States using procedures that meet industry-wide standards, United States workers for the job for which the nonimmigrants are sought.

''(H) The Secretary of Labor shall impose a fee on an employer filing a petition to import aliens as nonimmigrants described in section 101(a)(15)(L) to cover the administrative costs of processing the petition.

''(I) The Secretary of Labor may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) if the Secretary of Labor has reasonable cause to believe that the employer is not in compliance with this subsection. The investigation may be initiated not solely for completeness and obvious inaccuracies by the employer in complying with this subsection.

''(J) In this paragraph:

''(i) In the case of an application with respect to 1 or more nonimmigrants described in section 101(a)(15)(L) by an employer, the employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job that is essentially the equivalent of the job for which the nonimmigrant is sought. A job shall not be considered to be essentially equivalent of another job unless it involves essentially the same responsibilities, was held by a United States worker with substantially equivalent qualifications and experience, and is located in the same area of employment as the other job.

''(ii)(I) The term 'lays off', with respect to a worker—

''(aa) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

''(bb) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(II) Nothing in this clause is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(iii) The term 'United States worker' means an employee who—

''(I) is a citizen or national of the United States; or

''(II) is an alien who is lawfully admitted for permanent residence or is an immigrant otherwise authorized by this Act or by the Secretary of Homeland Security to be employed.''.

(h) TECHNICAL AND CONFORMING AMENDMENT.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''.

SEC. 303. TEMPORARY NONIMMIGRANT WORKERS.

(a) H–1B DEPENDENT EMPLOYERS.—

(1) IN GENERAL.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E)(ii), by striking ''an H–1B-dependent employer (as defined in paragraph (3))'' and inserting ''an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''(regardless of whether or not such other employer is an H–1B-dependent employer)''; and

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''.

(2) CONFORMING DEFINITION AMENDMENT.—Section 212(n)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(3)) is amended—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) DISPLACEMENT OF WORKERS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(1) in paragraph (1)(F), by striking ''90 days'' each place that term appears and inserting ''180 days''; and

(2) in paragraph (2)(C)(iii), by striking ''90 days'' each place that term appears and inserting ''180 days''.

(c) ENFORCEMENT ACTION.—Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended by adding at the end the following:

''(I) The Secretary of Labor may initiate an investigation of any employer that hires nonimmigrants described in section 101(a)(15)(H)(i)(b) if the Secretary of Labor has reasonable cause to believe that the employer is not in compliance with this subsection. The investigation may be initiated not solely for completeness and obvious inaccuracies by the employer in complying with this subsection.''.

(d) ADMINISTRATIVE FEE.—Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended by striking ''before October 1, 2003''.

SEC. 304. COMPTROLLER GENERAL INVESTIGATION.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall undertake an investigation to determine—

(1) how the amendments made by this Act are being implemented;

(2) the impact that the amendments made by this Act have had on employers and workers in the United States; and

(3) whether additional changes to existing law are necessary—

(A) to prevent American workers from being displaced by nonimmigrants described in subparagraphs (L) and (H)(i)(b) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); or

(B) to meet the legitimate needs of United States employers.

EXTENSIONS OF REMARKS

ANNOUNCEMENT OF THE 2005 CONGRESS-BUNDESTAG/BUNDESRAT EXCHANGE

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. HASTERT. Mr. Speaker, since 1983, the U.S. Congress and the German Bundestag and Bundesrat have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and interact on issues of mutual interest.

A staff delegation from the U.S. Congress will be selected to visit Germany from May 22 to June 4 of this year. During this two-week exchange, the delegation will attend meetings with Bundestag/Bundesrat Members, Bundestag and Bundesrat party staff members, and representatives of numerous political, business, academic, and media agencies. Participants also will be hosted by a Bundestag Member during a district visit.

A comparable delegation of German staff members will visit the United States for two weeks in July. They will attend similar meetings here in Washington and visit the districts of Members of Congress. The U.S. delegation is expected to facilitate these meetings.

The Congress-Bundestag/Bundesrat Exchange is highly regarded in Germany and the United States, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. This exchange is funded by the U.S. Department of State's Bureau of Educational and Cultural Affairs.

The U.S. delegation should consist of experienced and accomplished Hill staff who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag reciprocates by sending senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to the United States and Germany such as, but not limited to, trade, security, the environment, economic development, health care, and other social policy issues. This year's delegation should be familiar with transatlantic relations within the context of recent world events.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag/Bundesrat staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staffers in their Member's district in July, or to arrange for such a visit to another Member's district.

Participants are selected by a committee composed of personnel from the Bureau of Educational and Cultural Affairs of the Department of State and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a résumé and cover letter in which they state their qualifications, the contributions they can make to a successful program and some assurances of their ability to participate during the time stated.

Applications may be sent to the Office of Interparliamentary Affairs, HB–28, the Capitol, by 5 p.m. on Wednesday, March 16.

A PROCLAMATION RECOGNIZING SENATOR JOHN CAREY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Ohio State Senator John Carey is an exceptional individual worthy of merit and recognition; and

Whereas, Senator Carey has been appointed to Chairman of the Senate Finance Committee by Senator Bill Harris; and

Whereas, Senator Carey should be commended for his excellence, professionalism, integrity, and for his ongoing efforts to work for the constituents of the 17th District in Ohio.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Senator John Carey for his appointment to the Finance Committee.

ADDRESS OF SECRETARY GENERAL KOFI ANNAN AT THE SPECIAL SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY COMMEMORATING THE 60TH ANNIVERSARY OF THE LIBERATION OF NAZI DEATH CAMPS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. LANTOS. Mr. Speaker, on January 24 of this year, the United Nations General Assembly commemorated the 60th anniversary of the liberation of Nazi death camps. January 27, 1945, was the date on which Russian troops liberated Auschwitz, the most notorious of the death camps, and the symbol of the Holocaust, in which over 6 million Jews and hundreds of thousands of other nationalities were brutally murdered during World War II.

The United Nations commemoration, which was held three days before the anniversary, began with a moment of silence for the victims. Those speaking included a number of foreign ministers and other distinguished statesmen from many of the member states of the United Nations, as well as survivors of the Holocaust and liberators of the camps from the Allied military forces who defeated the Nazi regime.

Mr. Speaker, I welcome the General Assembly's most appropriate commemoration, and I want to acknowledge and commend Secretary General Kofi Annan for the key role that he played in the convening of this meeting, He personally fought to hold this meeting, and I am certain that without his leadership it would not have taken place.

The Secretary General has a special family link to the Holocaust that my wife Annette and I share. Kofi Annan's wife Nan is the niece of Raoul Wallenberg, Swedish diplomat and humanitarian who came to Budapest, Hungary, in the summer of 1944 at the request of the United States to save the lives of Jews who were being sent to Auschwitz to be sent to the gas chambers. Wallenberg saved the lives of tens of thousands of Hungarian Jews, and among those are my wife Annette and me.

One comment by the Secretary General is particularly significant and meaningful for all of us, Mr. Speaker. Kofi Annan told the General Assembly, "The United Nations must never forget that it was created as a response to the evil of Nazism, or that the horror of the Holocaust helped to shape its mission."

Mr. Speaker, I ask that the outstanding address of the Secretary General be placed in the Congressional Record. As the Secretary General said so well, we must keep in mind that the United Nations was founded to fight the atrocities and evils that were brought about by the Nazi German regime. It is incumbent upon us to continue the fight against brutality, abuse of human rights and the violations of dignity and humanity that marked the Holocaust, but that tragically continue to be with us.

I urge my colleagues to read and ponder Secretary General Annan's serious and thoughtful remarks.

ADDRESS OF UNITED NATIONS SECRETARY-GENERAL KOFI ANNAN

The date for this session was chosen to mark the sixtieth anniversary of the liberation of Auschwitz. But, as you know, there were many other camps, which fell one by one to the allied forces in the winter and spring of 1945.

Only gradually did the world come to know the full dimensions of the evil that those camps contained. The discovery was fresh in the minds of the delegates at San Francisco, when this Organization was founded. The United Nations must never forget that it was created as a response to the evil of Nazism,

or that the horror of the Holocaust helped to shape its mission. That response is enshrined in our Charter, and in the Universal Declaration of Human Rights.

The camps, Mr. President, were not mere ''concentration camps''. Let us not use the euphemism of those who built them. Their purpose was not to ''concentrate'' a group in one place, so as to keep an eye on them. It was to exterminate an entire people.

There were other victims, too. The Roma, or Gypsies, were treated with the same utter disregard for their humanity as the Jews. Nearly a quarter of the one million Roma living in Europe were killed.

Poles and other Slavs, Soviet prisoners of war, and mentally or physically handicapped people were likewise massacred in cold blood. Groups as disparate as Jehovah's Witnesses and homosexuals, as well as political opponents and many writers and artists, were treated with appalling brutality.

To all these we owe respect, which we can show by making special efforts to protect all communities that are similarly threatened and vulnerable, now and in the future.

But the tragedy of the Jewish people was unique. Two thirds of all Europe's Jews, including one and a half million children, were murdered. An entire civilization, which had contributed far beyond its numbers to the cultural and intellectual riches of Europe and the world, was uprooted; destroyed; laid waste.

In a moment, you will have the honour of hearing from one of the survivors, my dear friend Elie Wiesel. As Elie has written, ''not all victims were Jews, but all Jews were victims''. It is fitting, therefore, that the first State to speak today will be the State of Israel—which rose, like the United Nations itself, from the ashes of the Holocaust.

The Holocaust came as the climax of a long, disgraceful history of anti-Semitic persecution, pogroms, institutionalized discrimination and other degradation. The purveyors of hatred were not always, and may not be in the future, only marginalized extremists.

How could such evil happen in a cultured and highly sophisticated nation-State, in the heart of a Europe whose artists and thinkers had given the world so much? Truly it has been said: ''all that is needed for evil to triumph is that good men do nothing''.

There were good men—and women—who did do something: Germans like Gertrude Luckner and Oskar Schindler; foreigners like Meip Geis, Chiune Sugihara, Selahattin Ülkümen, and Raoul Wallenberg. But not enough. Not nearly enough.

Such an evil must never be allowed to happen again. We must be on the watch out for any revival of anti-Semitism, and ready to act against the new forms of it that are happening today.

That obligation binds us not only to the Jewish people, but to all others that have been, or may be, threatened with a similar fate. We must be vigilant against all ideologies based on hatred and exclusion, whenever and wherever they may appear.

On occasions such as this, rhetoric comes easily. We rightly say, ''never again''. But action is much harder. Since the Holocaust, the world has, to its shame, failed more than once to prevent or halt genocide—for instance in Cambodia, in Rwanda, and in the former Yugoslavia.

Even today we see many horrific examples of inhumanity around the world. To decide which deserves priority, or precisely what action will be effective in protecting victims and giving them a secure future, is not simple. It is easy to say that ''something must be done''. To say exactly what, and when, and how, and to do it, is much more difficult.

But what we must not do is deny what is happening, or remain indifferent, as so many did when the Nazi factories of death were doing their ghastly work.

Terrible things are happening today in Darfur, Sudan. Tomorrow I expect to receive the report of the international commission of inquiry, which I established at the request of the Security Council.

That report will determine whether or not acts of genocide have occurred in Darfur. But also, and no less important, it will identify the gross violations of international humanitarian law and human rights which undoubtedly have occurred.

The Security Council, once it has that report in its hands, will have to decide what action to take, with a view to ensuring that the perpetrators are held accountable. It is a very solemn responsibility.

Today is a day to honour the victims of the Holocaust—to whom, alas, no reparation can ever be made, at least in this world.

It is a day to honour our founders—the allied nations whose troops fought and died to defeat Nazism. Those troops are represented here today by veteran liberators of the camps, including my dear friend and colleague, Sir Brian Urquhart.

It is a day to honour the brave people who risked, and sometimes sacrificed, their own lives to save fellow human beings. Their examples redeem our humanity, and must inspire our conduct.

It is a day to honour the survivors, who heroically thwarted the designs of their oppressors, bringing to the world and to the Jewish people a message of hope. As time passes, their numbers dwindle. It falls to us, the successor generations, to lift high the torch of remembrance, and to live our own lives by its light.

It is, above all, a day to remember not only the victims of past horrors, whom the world abandoned, but also the potential victims of present and future ones. A day to look them in the eye, and say: ''you, at least, we must not fail''.

COMMENDING DANIELLE M. DEJOY FOR HER EXEMPLARY CIVIC INVOLVEMENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. HIGGINS. Mr. Speaker, I want to take this opportunity to enter into the record an article published in the Post Journal of Jamestown, NY, on January 22, 2005 and a brief explanation of its origin.

On January 4, 2005, I was blessed and honored by the presence of hundreds—that's correct, hundreds—of friends, family and supporters who traveled to this great capital city of Washington, DC, to attend ceremonies associated with the administration of my oath of Office as a member of the 109th Congress.

One very special attendee that day, Danielle DeJoy, an 11th grade student at Falconer High School in ''South County''—the southern portion of Chautauqua County, was kind enough to commit the events of her trip to Washington to paper, and her account of that trip was published in the Post Journal on January 22, 2005. A transcript of that article is included herein.

I enter this material to serve as an example to young people throughout the nation of the importance of civic involvement in our everyday lives. Danielle's interest and participation in civic events undoubtedly was learned at the family dinner table—her father Vince is an exemplary civic leader in Jamestown, serving in many important capacities, including with the city's Rotary club and as Chair of the city's Democratic Committee—her commitment to paper of the events of this day is inspirational. It reminds us all that those of us blessed to be chosen by the people as their Representatives in ''the people's house'' must never forget from whence we came, and that Jessica DeJoy and the millions like her in these United Stated look to us as leaders—leaders who must strive hard to inspire young people and involve them in government.

A DAY NEVER TO BE FORGOTTEN

I had the opportunity to travel to Washington, D.C., Tuesday, Jan. 4, to represent Chautauqua County for the swearing-in of newly elected Congressman Brian Higgins. It was an experience that I will never forget, and it has given me a new perspective on how lucky we are to be Americans.

My Dad, Vince DeJoy, is the chairman of the Jamestown Democratic committee, and he felt that this would be an educational experience. I was so excited to see our nations capital for the first time in person and not just seeing it on television or through pictures in the paper.

In addition to my father, Chautauqua County Election Commissioner Norm Green, Assistant Majority Leader of the Chautauqua County Legislature Ron Szot of Dunkirk and Janet Jankowski George made the trip to Washington. I had never met any of these people, but after a day of traveling by planes, trains and buses, I felt as if I have known them all of my life. We had a great day together.

We left Buffalo early Tuesday morning by plane at around 8:30. It was an overcast, gray day in Western New York, but once our plane climbed above the clouds, the sky was that pretty color blue that we long to see in January. The second leg of the journey would involve an Amtrak train from BWI Airport to Union Station in Washington, D.C. This would be another first for me. The coach that we rode on was very comfortable, clean and offered a very smooth ride. We arrived at Union Station around 10:30 a.m., and the first thing that caught me eye was the grandeur of this magnificent train station. I tried to imagine the Erie Rail Road Station in Jamestown, and how cool that it would be if it could be restored to have the same feel that Union Station offered.

Once outside the doors of Union Station, the view of the capital dome was very impressive. Of course we had to pose for pictures with the capital in the background exchanging cameras within our group. We then made the four block walk to the Cannon Office Building to the office of Congressman Higgins. As soon as we walked into his new office, we were greeted by Jonathan Weston of Panama. Jonathan found out that he was fortunate enough to be chosen as a staff member to the Congressman on Dec. 31. He was excited to see familiar faces from Chautauqua County make the trip, and promptly introduced us to the rest of Congressman Higgins staff.

There were over 150 people that squeezed into Mr. Higgins' office. There we enjoyed

bagels, muffins and juice, while we watched the actual ceremony on closed circuit television. The well wishers became very quiet when the Clerk of the House announced his name to vote for the House Leader. Than a huge cheer was heard throughout the third floor of the building with other congressional offices down the hall.

We had some time to do sight-seeing before the next reception, so we walked next door to the capital. Security was very tight, but the Secret Service allowed us to get close enough for some great pictures in front of the capital.

The next reception started at 1:30 p.m. at the Rayburn Building, and we decided to go there early. That was a very wise choice because as we walked down the corridors past rooms where House Committee meetings take place, we approached the room which would host the reception and found Senator Hillary Clinton just standing alone in the doorway. I had met Senator Clinton in 2000 at Diethrick Park while she made a campaign stop in Jamestown. She made us feel that we were long lost friends. We even had the time to discuss my college options. The Town Supervisor of Orchard Park, Toni Cudney, took our picture with the Senator, and then people quickly surrounded her.

It wasn't until nearly 3 p.m. that Congressman Higgins was able to come to his reception. While waiting, I got the opportunity to meet a sorority sister of my mother from the State University College at Geneseo, Peggy Hannon. I had never met Peggy before, but she knew that I was Bonnie's daughter right away. They lived together in the Alpha Clio Sorority House 1981.

Senator Chuck Schumer arrived in time to introduce Congressman Higgins to the now large crowd of 200 people. Intertwined with accolades for Mr. Higgins was the message that my Dad really wanted me to hear and understand. Senator Schumer spoke of the celebration of the peaceful transition of power that just took place. We as Americans may take such an event for granted, but the people of Iraq with elections next month probably don't expect a peaceful transition of power. The Ukraine also came to mind with their corrupt elections, violence and even poisoning of a candidate.

Mr. Higgins' speech thanked his supporters and his family. The funniest part of the speech was a story that he told of his son, John. He had a talk with his son at the onset of the election, preparing him for the negative things that may be said about his Dad.

John said, ''Don't worry Dad, 'the tax-man' will do OK.'' This was a reference to television ads from his opponent. The room erupted in laughter. My Dad got a big hug from Mr. Higgins after the speech, and we posed for a picture with my Mom's friend from college, that grew up with Brian Higgins in South Buffalo.

After the reception, our group walked the parade route of the Presidential Inauguration down Pennsylvania Avenue. Workers were very busy constructing reviewing stands for the President at the White House, and setting up bleachers for the public along the route. Again, the theme of celebrating the peaceful transition of power came to mind. Seeing the White House, even from the gates still gave me a chill running up my spine.

One last reception, at Mackey's Irish Pub on L Street, a few blocks away from the White House. The speeches were over, it was now time to unwind with our new friends from Buffalo and Erie county, and to have something to eat—and celebrate the wonderful things that Congressman Higgins hopes to accomplish for Western New York, and the nation during his tenure in the House of Representatives.

My final thoughts and discussion with my Dad on the return trip to Jamestown was how I felt like I was a part of the democratic process, even though I am not old enough to vote yet. I had a wonderful time with my father and my new friends, and the memories will last for a lifetime.

HONORING GEORGE NEUKOM, JR. OF ZEPHYRHILLS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Mr. George A. Neukom, Jr. of Zephyrhills, Florida.

George A. Neukom, Jr. is a fifth generation Floridian from Pasco County, a lifetime resident of Zephyrhills, a 1959 graduate of Stetson University and a great fifth district constituent.

I would like to recognize George for his outstanding lifetime of work in Pasco County, Florida. As recognition for his efforts, George will be honored as the recipient of the 2nd annual Lincoln Heritage Award held by the East Pasco Republican Club.

This prestigious award was established by the East Pasco Republican Club to recognize an outstanding community member for his or her commitment to the principles practiced and espoused by the first Republican, Abraham Lincoln, and for humanitarian services to his or her community and to Pasco County.

Beginning in 1921 when his grandmother opened Neukom's Drug Store in Zephyrhills, the Neukom family has been a positive influence in the community. The store included a coffee shop where the traditional game of "scratch" provided a forum for local, county, State and Federal candidates of all parties to discuss current topics. In later years, George continued this practice until the store closed.

An accomplished businessman in Pasco County, George is also the president and chairman of the board of Neukom Properties, Inc., a citrus and cattle company. He also founded the George A. Neukom, Jr. Insurance Agency and serves as a consultant to both Precise Power Corporation in Bradenton, FL and Neukom Groves.

An active member of the First Baptist Church in Zephyrhills, George was appointed to the Florida Citrus Commission by former Governor Bob Martinez and served from 1989 to 1992. He is a member of Zephyr Lodge 198 F & AM, Scottish Rite—Shrine and Rotary Club. George serves on the hospital advisory board at East Pasco Medical Center in Zephyrhills and is also on the advisory board at the Zephyrhills City Library.

George married the former Ann Brooke in 1962, and together they raised two children, Tamara and George III. They have been blessed with four loving grandchildren, Ashley and Hannah Oakley and Victoria and George Neukom IV.

Mr. Speaker, George Neukom is a model Pasco County citizen and is truly deserving of the 2nd Annual Lincoln Heritage Award.

A PROCLAMATION RECOGNIZING SENATOR RON AMSTUTZ

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Ohio State Senator Ron Amstutz is an exceptional individual worthy of merit and recognition; and

Whereas, Senator Amstutz has been appointed to lead the Senate Ways and Means Committee by Senator Bill Harris; and

Whereas, Senator Amstutz should be commended for his excellence, professionalism, integrity, and for his ongoing efforts to work for the constituents of the 22nd District in Ohio.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Senator Ron Amstutz for his appointment to the Ways and Means Committee.

ADDRESS OF DEPUTY SECRETARY OF DEFENSE PAUL WOLFOWITZ, U.S. REPRESENTATIVE AT THE SPECIAL SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY COMMEMORATING THE 60TH ANNIVERSARY OF THE LIBERATION OF NAZI DEATH CAMPS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. LANTOS. Mr. Speaker, on January 24 of this year, the United Nations General Assembly commemorated the 60th anniversary of the liberation of Nazi death camps. January 27, 1945, was the date on which Russian troops liberated Auschwitz, the most notorious of the death camps, and the symbol of the Holocaust, in which over 6 million Jews and hundreds of thousands of other nationalities were brutally murdered during World War II.

The United States was ably represented by Paul Wolfowitz, our Deputy Secretary of Defense who addressed the General Assembly on behalf of the United States and the American people.

Mr. Speaker, I ask that the outstanding statement of Secretary Wolfowitz be placed in the Congressional Record. He addressed "the larger meaning" of the Special Session noting: "We are here to reflect on . . . how totalitarian evil claimed millions of precious lives. But just as important, the member nations attending today are affirming their rejection of such evil and making a statement of hope for a more civilized future, a hope that 'never again' will the world look the other way in the face of such evil." I urge my colleagues to read Secretary Wolfowitz' thoughtful remarks:

Thank you, Mr. President, Mr. Secretary General, distinguished delegates, distinguished guests.

Thank you, Mr. President for convening this 28th Special Session and thank you to the member states that supported the request for commemoration of the 60th anniversary of the liberation of the Nazi death camps.

Thank you Mr. Secretary General for your eloquent statement today and for your encouragement of this initiative.

Thank you, Sir Brian Urquhart for your service in the war and your witness here today.

And our special gratitude goes to Elie Wiesel, not only for his inspiring words today, but for all he has taught us with his life. Elie Wiesel has taught us that ''in extreme situations when human lives and dignity are at stake, neutrality is a sin. It helps the killers,'' he says, ''not the victims.''

Elie Wiesel teaches us that we must speak about unspeakable deeds, so that they will be neither forgotten nor repeated. Most of all, he offers personal witness to all humanity that in the face of the most horrific oppression, there is always hope that the goodness of the human spirit will prevail.

That is the larger meaning of why we gather here today. We're here to reflect on the magnitude of the occasion how totalitarian evil claimed millions of precious lives. But just as important, the member nations attending today are affirming their rejection of such evil and making a statement of hope for a more civilized future, a hope that ''never again'' will the world look the other way in the face of such evil.

For if there is one thing the world has learned, it is that peaceful nations cannot close their eyes or sit idly by in the face of genocide. It took a war, the most terrible war in history, to end the horrors that we remember today. It was a war that Winston Churchill called ''The Unnecessary War'' because he believed that a firm and concerted policy by the peaceful nations of the world could have stopped Hitler early on. But it was a war that became necessary to save the world from what he correctly called ''the abyss of a new dark age, made more sinister . . . by the lights of a perverted science.''

This truth we also know—that war, even a just and noble war, is horrible for everyone it touches. War is not something Americans seek, nor something we will ever grow to like. Throughout our history, we have waged it reluctantly, but we have pursued it as a duty when it was necessary.

Our own Civil War was one of the bloodiest the world had known up to its time. And it too was fought to end a great evil. As that war was nearing its bloody close, President Abraham Lincoln spoke to the nation hoping that the war would end soon, but saying that it would continue if necessary ''until every drop of blood drawn with the lash, shall be paid by another drawn with the sword.''

Two months after the Battle of Antietam, where the number of American dead was four times the number that fell on the beaches of Normandy, President Lincoln told members of the U.S. Congress that those who ''hold the power, and bear the responsibility'' could not escape the burden of history, ''We shall nobly save, or meanly lose, the last best hope of earth.''

Americans have fought often to liberate others from slavery and tyranny in order to protect our own freedom. Cemeteries from France to North Africa, with their rows of Christian crosses and Stars of David, attest to that truth.

When Americans have taken up arms, it was believing that, in the end, it is never just about us alone, knowing that woven into our liberty is a mantle of responsibility, knowing that the whole world benefits when people are free to realize their dreams and develop their talents.

Today, we remember the people who fell victim to tyranny because of their political views, their heritage or their religion, in places where human slaughter was perfected as an efficient and systematic industry of state. We can only imagine how different our lives would be had those millions of lost souls had the chance to live out their dreams.

Today, we also pay tribute to all the soldiers of many Allied nations who participated in the liberation of the Nazi death camps, for their courage and sacrifice and for the care they provided to the survivors.

We are proud of the role of our own American soldiers, the so-called ''young old men'' of 19 and 20 years of age, who fought through their own horrors at Anzio and Normandy and Bastogne and who thought that a world of evil no longer held surprises for them, but who were astonished to the deepest part of their souls when they confronted the human ruins of Nazi tyranny in the spring of 1945.

Just one week before the end of the war in Europe, the U.S. Seventh Army would reach Dachau. Lt. Colonel Walther Fellenz described what he saw as the 42nd Infantry Division neared the main gate of that concentration camp, it was ''a mass of cheering, half-mad men, women and children . . . their liberators had come! The noise was beyond comprehension,'' he said. And ''our hearts wept as we saw the tears of happiness fall from their cheeks.''

Sensing the approach of victory, General Dwight Eisenhower, the Supreme Commander, was unprepared for what greeted him at the camp at Ohrdruf as he walked past thousands of corpses in shallow graves and saw the instruments of torture used by the SS, he was moved to anger and to action.

He cabled Army Chief of Staff George Marshall words which are now engraved at the entrance of the U.S. Holocaust Museum in Washington, D.C.: ''The things I saw,'' Eisenhower wrote, ''beggar description . . . the visual evidence and the verbal testimony of starvation, cruelty and bestiality were so overpowering.'' He insisted on looking into one particular room that contained piles of skeletal, naked men, killed through starvation. ''I made the visit deliberately,'' he said, ''in order to be in a position to give first-hand evidence of these things if ever, in the future, there develops a tendency to charge these allegations to 'propaganda.' ''

Eisenhower wanted others to see this crime against humanity. So, he urged American Congressmen and journalists to go to the camps. He directed that a film record the reality and that it be shown widely to German citizens. And he ordered that as many GIs as possible see the camps. American soldiers became what one writer called ''reluctant archeologists of man's most inhuman possibilities.''

Jack Hallet was one of the soldiers who liberated Dachau found that it was difficult to separate the living from the dead. As he looked closer at a stack of corpses, he noticed that deep within the pile, he could see sets of eyes still blinking.

Dan Evers was in the 286th Combat Engineer Battalion at Dachau: ''The gas chamber door was closed,'' he recalled, ''but the ovens were still open. There was a sign in German overhead which said: 'Wash your hands after work.' ''

Another soldier wrote to his parents, asking them to keep his letter, because ''it is my personal memorandum of something I personally want to remember but would like to forget.''

From Ebensee, Captain Timothy Brennan of the Third Cavalry wrote to his wife and child: ''You cannot imagine that such things exist in a civilized world.''

From Mauthausen in Austria, Sergeant Fred Friendly wrote to his mother: ''I want you to never forget or let our disbelieving friends forget, that your flesh and blood saw this . . . Your son saw this with his own eyes and in doing so aged 10 years.''

Beyond the shock and horror, American and Russian and other Allied soldiers who liberated the camps were also witnesses to hope. Tomorrow, you will have the opportunity to hear an American GI tell one such story. Tomorrow Lt. John Withers, of the all African-American Quartermaster Truck Company 3512, will speak about how he and his soldiers changed the lives of two young boys forever who were rescued from Dachau.

Yet, as proud as we are of the role our soldiers played in the liberation of the concentration camps, we know that we all arrived too late for most of the victims.

Just last week, a great Polish patriot passed away. During World War II, Jan Nowak, who was not Jewish, risked his life to leave Poland to bring news of the Nazi genocide to the West. I was privileged to meet Jan Nowak in his Warsaw apartment just three months ago. He recalled that after the war when he was able to see the records of his secret meetings with Western officials, there was no mention of what he had told them about Poland's Jews. Nowak put it down to ''wartime inconvenience.'' He was telling truths that people wanted not to know.

And, despite our fervent promises never to forget, we know that there have been far too many occasions in the six decades since the liberation of the concentration camps, when the world ignored inconvenient truths so that it would not have to act, or acted too late.

We have agreed today to set aside contemporary political issues, in order to reflect on those events of sixty years ago in a spirit of unanimity. But let us do so with a unanimous resolve to give real meaning to those words ''never forget.'' And with a resolve that even when we may find it too difficult to act, we at least have an obligation at least to face the truth.

Last Thursday, as he began his second term in office, President George Bush expressed his belief that our nation's interests cannot be separated from the aspirations of others to be free from tyranny and oppression. ''America's vital interests,'' he said, ''and our deepest beliefs are now one. From the day of our Founding, we have proclaimed that every man and woman on this earth has rights, and dignity, and matchless value, because they bear the image of the Maker of Heaven and earth. Across the generations we have proclaimed the imperative of self-government, because no one is fit to be a master, and no one deserves to be a slave. Advancing these ideals is the mission that created our Nation. It is the honorable achievement of our fathers. Now it is the urgent requirement of our nation's security, and the calling of our time.''

Americans remain committed to working with all nations of good will to alleviate the suffering of our time. And we remain hopeful that when generations to come look back on this time they will see that we in it were dedicated to fulfilling the pledge that arose from the ashes of man's inhumanity toward man—Never again.

Never again and never forget. We must keep remembering to continue to speak about unspeakable things. So we commend the United Nations for a remembrance of the Holocaust befitting its significance in human history. In doing so, perhaps we can

help avoid such inhumanity and the warfare that is so often the result.

Thank you very much.

TRIBUTE TO MR. ARTHUR BENSON

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to the life and memory of a great Western New Yorker; businessman, community leader, and friend, Mr. Art Benson of Springville, NY. Mr. Benson was 75 years old when he died of cancer on January 21, 2005.

Art Benson was a man who held himself to the highest standard of excellence in service to his community and generosity in his personal life. He served as President of the U.S. Route 219 Association and the Springville Chamber of Commerce. In 1977, he was awarded the title "Citizen of the Year" based on his demonstration of the difference one person can make in his community. In his private life he was committed to helping others battle alcoholism with Alcoholics Anonymous.

Art's success came from his optimism, his passion for civic involvement, and his magnetic personality. He spent his youth working as a bellhop in Buffalo's Hotel Statler, befriending famous actors and politicians that came to stay. President Truman thought so highly of Art that he appointed him his personal aide during his 1948 Presidential campaign.

In his adult life, Art had a long and successful career in the auto sales business. He purchased a Ford dealership in 1965, which he sold in 1982 to become Emerling Ford and Mercury. Following the sale of his business, he worked as a sales representative for Towne Lincoln-Mercury in Orchard Park, NY.

The success that Art's work ethic and affable nature led to in the private sector brought him even more success in the public sector. A strong believer in the economic benefits that expanding U.S. route 219 would bring to western New York, politicians and development officials nicknamed Art, "Mr. 219." He was the road's most influential advocate, making public statements on its expansion even in his final days.

His leadership did not end with route 219. As president of the Springville Chamber of Commerce, he pressed for the creation of Springville's Pre-School Learning Center for the Handicapped. He was also a driving force behind the establishment of the Town of Concord Industrial Development Agency.

As I noted earlier, perhaps some of Art's greatest contributions to his community were made in his private life. A former alcoholic, Art beat the disease 37 years ago and has been a friend and counselor to other recovering alcoholics ever since. According to his son, Michael, Art would do anything in his power to help alcoholics, even when it meant leaving home in the middle of the night to offer support.

But the aspect of Art's life which made him most proud was his family. Art was the husband of the former Marie Chute, who passed away in 2000, and is survived by his sons Michael, Arthur, Robert, and Claytus, daughters Marie Pitello, Colleen Benson, and Kathleen Benson. Arthur also leaves behind his great prides and joy—his 16 grandchildren.

Citizens of Art Benson's caliber are hard to come by. Whether it was through the gifts he was born with or his personal struggles, he consistently found ways to give to his community. Many in western New York will miss his leadership, enthusiasm, and friendship. I was proud to call Art Benson my friend and I am pleased to honor his memory today.

CONGRATULATIONS TO McMINN COUNTY SOIL AND WATER CONSERVATION DISTRICT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. DUNCAN. Mr. Speaker, this month, the McMinn County, Tennessee Soil and Water Conservation District will celebrate its 50th anniversary. This milestone is much more than a birthday. It is a celebration of a voluntary conservation program that has involved more than 30,000 farmers, and other land users.

This program has benefited thousands of East Tennesseans by implementing flood prevention plans, creating recreation areas, and putting many other soil conservation projects in place.

I have enjoyed working with the McMinn County Social and Water Conservation District in the sixteen years I have served in the House. My father also worked closely with this program when he served in this seat from 1964 to 1988.

Mr. Speaker, let me again congratulate the McMinn County Soil and Water Conservation for fifty years of excellent service to east Tennessee. I have enclosed a written history of the program that I would like to call to the attention of my fellow members and other readers of the RECORD.

THE HISTORY OF THE McMINN COUNTY SOIL CONSERVATION DISTRICT

The McMinn County Soil Conservation District was founded on December 28, 1954, The original charter members were Rex Moses, Clarence Miller, Carl D. Stager, J. G. Wilson, and J. K. Pickens.

Conservation Districts are local government subdivisions established under state law to carry out a program for the conservation, use and development of soil, water and related resources.

In 1972, The McMinn County Soil Conservation District, along with nine other sister districts, took an active part in the drive to establish the ten county Southeast Tennessee Resource Conservation and Development Districts. We met with other SCD Boards several times in making and submitting an application to the Secretary of Agriculture for and RC&D project. This project was approved and funded in September 1972. The Board asked for and received active support on this project from the County Council, City Governments, Farm Bureau, Chamber of Commerce, and others interested in the resources of McMinn County.

The Sweetwater Creek Watershed District was organized in 1958 by local landowners with the help of the three sponsoring organizations—McMinn, Monroe, Loudon Soil Conservation Districts. A flood prevention plan for the Cities of Sweetwater and Philadelphia and all the low-lying land along the Sweetwater Creek from its origin in McMinn County to the outlet at the Tennessee River in Loudon County was completed in 1970.

Sweetwater Creek Watershed Program is a local project with technical and financial assistance from the United States Department of Agriculture. The principal problems were floodwater and sediment damage to agricultural lands, industrial, commercial and residential properties and roads. There are 37,460 acres in this watershed.

With the help of the sponsoring districts the watershed board requested funding from the three counties and the City of Sweetwater for operational and maintenance expenses in the amount of $6,600.00 annually. Funding was provided in 1974.

Congress authorized funding for the Sweetwater Creek Watershed Project in July 1972. Without the help of the Honorable John Duncan, Sr., the project would not have been funded.

The McMinn Board of Supervisors asked the County Council to budget $600 per year for maintenance of dams on the Sweetwater project. The council was very happy to comply with this request.

Four flood retarding structures have been completed in McMinn County, channelization for the creek in the City of Philadelphia, and 9 miles of clearing and snagging of the creek between the Cities of Sweetwater and Philadelphia. The construction on the first flood retarding structure begins in October 1975. In 1989 the fourth flood retarding structure was completed. This was the final phase of the project for federal funding. The total cost of the work was 4.6 million dollars. Benefits to the area have been substantial. The Cities of Sweetwater and Philadelphia have not been flooded since the structures were built and the channelization complete.

Every year the watershed board maintains the flood retarding structures and the channel. The retarding structures are mowed annually; any trees removed from the embankment, and eroding areas are seeded. The channel is inspected and cleared of any fallen trees, logs or trash that may cause problems. Sand bars are removed from the channel.

Benefits to the area have been substantial. The Cities of Sweetwater and Philadelphia have not been flooded since the structures were built and the channelization completed. Preventing damage to the agricultural, industrial, commercial and residential properties has saved millions of dollars.

The McMinn County Soil Conservation started Tree Day in March 1972. We gave away 10,000 white pines which were donated by Bowater. The District requested the assistance of the City of Athens to distribute the trees in 19—. Later, Arbor Day and the State Forest Service absorbed Tree Day. Citizens National Bank joined the District and City in sponsoring this event, which continues today.

The County Council requested the District assist in planning and implementing a nine-acre recreation area at the County Landfill. The District supplied tuff-cote Bermuda sprigs for the ball fields and supervised planting and land grading. The District Board assisted in three seminars on landfill operations, and site selection at the request of the County Council, for visiting county officials, schools, health departments, etc.

In 1982, the Chestuee Creek Special ACP Demonstration Area was co-sponsored by the

Soil Conservation District. Approximately thirty-five thousand (35,000) acres of land in the McMinn County Soil Conservation District is within this watershed. At a dedication ceremony held in April, over 500 people from East and Middle Tennessee attended to close out this project. The Board of Supervisors was very proud to have had a part in the success of the Chestuee Creek project. This project brought over $1,250,000 in federal funds to the area. Many conservation practices were installed by local farmers, which they would not have otherwise been able to accomplish.

The District signed a Memorandum of Understanding with McMinn County in March 1983. The Memorandum spells out the responsibilities of both parties in our joint conservation efforts. The district has been able to lead the state in many areas of conservation application because of the support of our County and City officials. The commitment to the conservation effort by these groups makes the job much easier and satisfying.

The orphan strip mines continued to be a problem in the county. The District completed an inventory of these mines in 1984. Special funds were requested to reclaim these areas through a Special ACP funding for critical area treatment. We are awaiting approval of this project.

Our Conservation District was pleased to have our local nominee named as a Five Star Farmer by TVA for outstanding soil conservation accomplishment. Lowry Dougherty won the award for the excellent progress to controlling erosion on his 240-acre dairy farm.

In 1984, the Upper Oostanaula Creek Specal ACP Demonstration Area was co-sponsored by the Soil Conservation District. Approximately twelve thousand acres of land in the McMinn County Soil Conservation District is within this watershed. This is the second national project that has been approved for McMinn County. The Board of Supervisors was very proud to have had a part in the success of the Oostanaula Creek Project which brought over one million dollars in federal funds to the area. Many conservation practices were installed by local farmers, which they would not have otherwise been able to accomplish.

Work was started on the Flood Hazard Study on Oostanaula Creek in October 1987, A series of public hearings were held in November and survey work has proceeded on schedule. The final plan was completed and ready for funding by September 1988.

In 1987, a group of volunteer conservationists formed an ''Earth Team'' to assist the McMinn Soil Conservation District with their conservation programs. The members included Hugh ''Doc'' Lamb, J. Neal Ensminger, Harold ''Prof'' Powers, Herbert ''Dick'' Williams, F. W. Adsit, Rex Moses, Charles Engle, E. H. Looney, Clarence Streetman, and Ginger Wheeler.

The McMinn ''Earth Team'' was the first recipients to receive state and national recognition for their volunteer efforts in conservation, They were cited by the National Association Conservation Districts for their exemplary volunteer efforts to attain conservation goals. They were honored at the NACD National meeting in February 1988 at Little Rock, Arkansas. The ''Keep McMinn Beautiful'' committee was formed as a direct result of the Earth Team.

Some of the projects carried out by the Earth Team were:

I. Conservation Education Program

a. Conducted conservation school camps for city and county schools.

b. Presented programs to civic and garden clubs.

c. Contacted farmers to explain the provisions of the Farm Bill.

d. Developed a forest information program for area woodlot owners.

e. Assisted with conservation tours, meeting, etc.

II. Water Quality Concerns

a. Conducted an extensive public awareness campaign on the water quality problems in McMinn County.

b. Developed a slide presentation on roadside litter and dumps.

c. Assisted the county in locating suitable landfill sites.

III. Formed a Speakers Bureau

a. Sent out brochures to civic, school, and church groups on conservation speakers available for programs.

IV. Conservation Application

a. Located farm boundaries on maps.

b. Compiled list of Highly Erodible Land (HEL).

c. Assist with layout of strip cropping, animal waste systems and waterways

d. Gather information on soil loss for SL–1 referrals.

e. Contact farmers concerning sodbuster-swampbuster provisions of Farm Bill.

In 1993, The Tennessee Department of Conservation and Environment published a list of all streams in Tennessee, which have water pollutants. Oostanaula Creek was identified as having pollutants nitrogen and pathogen. Best Management Practices were installed and cost shared through funds received from the Tennessee Department of Agriculture with the help of the Southeast Tennessee Resource Conservation and Development. Water Quality practices included stream fencing to prevent livestock having direct access to the creek, stream crossing, alternative livestock watering systems, conservation buffers strips and animal waste management systems

The Farm Bills bring many programs under Conservation Compliance. To participate and receive benefits from USDA is voluntary to the farmer. The District strives to make program participation clientele friendly and manageable to the farmers as it can, while meeting conservation goals.

In 1993, 484 landowners received assistance from Field Office staff. To date, 23,546 acres of highly erodible land were identified with 20,996 acres under conservation plan, and 13,084 acres plan applied and on the ground. The ACP program had 171 referrals. There were 25 LTA's, 13 Farm Bill Status Reviews, 1 569 compliance investigation, and 7 water quality complaints were investigated.

The McMinn County Water Quality assisted the Tennessee Department of Health & Environment with investigations of citizen complaints involving water pollution from animal waste and dairy operations waste, poultry operations waste, mining runoff, and disposal of dead animals Investigations were conducted of numerous potential groundwater pollution problems (wells and springs in the county), Through these investigations, samples were collected to be analyzed by private laboratories. The test results were then analyzed and possible solutions were recommended.

Local industry and utility districts with potential groundwater problems were assisted. The County Board of Education was assisted with assessment of periodic well water sampling requirements to comply with State Regulations. Well water samples were collected for determination of lead in drinking water from several homes in response to requests. The laboratory determination results were then analyzed and citizens advised as to further action. Also, assistance was given in determing aquatic weed problems and treatment was recommended for several farm ponds.

Consultation was provided for two established watershed districts in response to water quality assessment needs. Sites for drinking water sampling were selected and samples collected to establish the need for extension of Riceville water lines to additional areas in the county.

The Water Qualify Office responded to many requests for information and questions concerning appropriate authority for assistance.

A PROCLAMATION IN MEMORY OF CORPORAL NATHAN R. ANDERSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family, friends, and community of Cpl. Nathan Anderson upon the death of this outstanding Marine.

Cpl. Anderson was a member of the Weapons Company, 1st Battalion, 8th Marine Regiment, Regimental Combat Team 7, 1st Marine Division serving his great nation in the country of Iraq. He was a loving son, brother, and friend to all who knew him. Cpl. Anderson was an active citizen in his community and did his best to make his country a better place to live.

Cpl. Anderson will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

While words cannot express our grief during the loss of such a courageous Marine, I offer this token of profound sympathy to the family, friends, and colleagues of Cpl. Nathan R. Anderson.

IN HONOR OF MR. ARNOLD FONTES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Mr. Arnold R. Fontes, who is retiring after 34 years as the San Benito County Assessor. His continuous re-election for over three decades speaks volumes for his ability and for the trust the people of this county placed in him.

Mr. Fontes was raised in San Benito County and attended local schools. He joined the R.O.T.C. and graduated in 1955 from the University of Santa Clara with a degree in Business Administration, majoring in accounting. He served in Germany as an Army Artillery Officer, and met his wife, Helga, while stationed there.

Upon returning to the United States he was employed by McCormick Selph as their Accounting Manager, and then with Protective

Papers as Plant Manager and Controller. On September 1, 1970 Mr. Fontes was appointed Assessor of San Benito County, and ran unopposed for eight consecutive terms.

Arnold Fontes played a significant role in the community during those years. His activities include 31 years with the Boy Scouts of America, serving as District Chairman and as Vice President of Special Assignments of the Monterey Bay Area Council. He was President of the California Assessors' Association in 1982 and Treasurer from 1983 to 2000. He was a member of the San Benito Chamber of Commerce for 35 years, including Director from 1972 to 1974. During his 32 years with the Hollister Rotary Club he served as President from 1979 to 1980, and received the Paul Harris Fellowship from the Rotary Foundation of Rotary International. Currently, Mr. Fontes serves as Treasurer for the Community Foundation for San Benito County.

Mr. Speaker, I applaud Arnold Fontes's many accomplishments, and commend him for his tremendous devotion to his community. I join all of San Benito County in honoring this truly remarkable man for his lifelong achievements.

REMEMBERING AND HONORING MR. JOHN ALBERT ''AL'' WICKLAND, JR.

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember and honor an outstanding citizen and dear friend, Mr. John Albert ''Al'' Wickland, Jr. from Carmichael, CA, who died on Thursday, January 20, 2005. He was 84 years old.

Al was raised in Orland, CA. He attended the University of California, Berkeley, where he studied electrical engineering. When World War II began, Al left the University and began his lifelong dedication to his country and the communities he called home. Al entered the U.S. Army Air Corps and served honorably as a B–26 instructor during the war. On February 4, 1942, while on leave from his duties serving our country, Al wed Mary Elizabeth Linton in Carson City, NV. They were happily married for 58 years until Mary's death in 2000.

After the war, Al returned with Mary to Orland where they raised four children. In 1954, Al started Wickland Oil Company and a life-long career in oil distribution and marketing. Wickland Oil quickly opened a chain of gasoline and convenience stores called Regal Stations, which operated throughout California, Oregon, and Nevada. By adopting innovative strategies such as offering low-cost self-serve gasoline, Al demonstrated a unique ability to understand and cater to the needs of his consumers. With Al's leadership and vision, Wickland Oil and Regal Stations quickly grew into a regional powerhouse.

By 1980, Wickland Oil's commodities trading and oil storage business was a major operator on the international stage. Again displaying great vision, Al directed Wickland Oil into the Chinese market, making it one of the very first American firms to open trade relations with China. Under Al's leadership, Wickland Oil impressively built storage and distribution facilities in California, China, Australia, Singapore, Russia, and the Caribbean. Al was especially grateful for the contributions his two sons, John and Roy, as well as his son-in-law, Dan Hall, made to Wickland Oil. He took great pleasure in working with them on a day-to-day basis.

In addition to building a world-renowned company, Al served his community. He was a charter member and co-founder of the Orland Rotary Club, a Trustee of the YMCA, a member of the advisory board of California State University at Chico, and the co-founder of the California Independent Oil Marketers Association. Upon moving to Sacramento in 1972, Al joined the Fremont Presbyterian Church, Sacramento Rotary, the Sutter Club, and Del Paso Country Club. In addition to participating in these activities, Al especially loved spending time with his family and friends piloting his boat, the Regal Lady, along the North American coastline and elsewhere.

While Al enjoyed great success in his business and community endeavors, his passion remained his family. Al is survived by his wife of 3 years Beatrice Rogers Wickland and his four children: John A. Wickland III, Valerie E. Wickland, Roy L. Wickland and his wife, Janet E. Wickland, Laurel Wickland Hall and her husband, Daniel E. Hall. Al also had a great affection for his 11 grandchildren: Joshua D. Wickland, John A. Wickland IV, Stacia C. Wickland, Scott Lusk, Tracy Frost Lusk Scollan, Jessica Wickland Oehmen, Allison C. Wickland, Matthew J. Wickland, John L. Hall, Danielle E. Hall, and Joseph D. Hall.

Mr. Speaker, today I join with Al Wickland's family, friends, and community to commemorate his life of hard work, service to country and community, and dedication to his family. May he rest in peace.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Ms. ESHOO. Mr. Speaker, due to reasons beyond my control I was unable to vote on February 1st, or February 2nd of this year. I would like the RECORD to reflect how I would have voted on the following votes.

On rollcall vote No. 14, I would have voted ''yea.''

On rollcall vote No. 15, I would have voted ''yea.''

On rollcall vote No. 16, I would have voted ''nay.''

On rollcall vote No. 17, I would have voted ''yea.''

On rollcall vote No. 18, I would have voted ''yea.''

On rollcall vote No. 19, I would have voted ''yea.''

A PROCLAMATION RECOGNIZING JEANNE CROTTY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Jeanne Crotty has served diligently as an intern for the office of Congressman BOB NEY in the United States House of Representatives; and

Whereas, Jeanne Crotty has demonstrated that she is an extremely talented individual who understands public policy, government relations and the American political system; and

Whereas, Jeanne Crotty should be commended for her excellent service, her integrity and dedication to the projects she was asked to perform.

Therefore, I join with Members of Congress and their staff in thanking Jeanne Crotty for her outstanding service as an intern in the United States House of Representatives.

HONORING THE EXEMPLARY SERVICE OF MARGARET KOLAR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. STARK. Mr. Speaker, I rise today to honor Margaret (Marge) Kolar's 29 years of exemplary service with the Fish and Wildlife Service. For the past 10 years Marge has served as the project leader for the San Francisco Bay National Wildlife Refuge Complex, whose administrative offices are located in Newark, CA.

As project leader, Marge has overseen seven unique San Francisco Bay and Monterey Bay area refuges. Her most recent projects include her active collaboration on the Project Management Team for the South Bay Restoration Project. In February 2005, Marge will move from her current position to serve as assistant manager for the Refuge Program in the California Nevada Regional Office.

Marge has served in a variety of programs, geographic areas, and organizational levels. She started her federal career with a 3-year stint in the Peace Corps as a teacher in Sierra Leone, West Africa. After several years in the private sector, Marge joined the U.S. Fish and Wildlife Service in 1976. She joined the Office of Biological Services in Washington DC, working on the National Wetlands Inventory and other wetland issues. In 1980, she moved to the Service's Washington/ Oregon Area Office as the assistant area manager for Environment and Endangered Species, supervising three field stations. During her time in the Area Office, Marge also worked as the Habitat Protection Coordinator, including developing proposals for refuge land acquisition. Her next move was to the East Lansing, Michigan Field Office, where she was the assistant field supervisor and acting field supervisor from 1982 to 1989. Marge returned to the Washington office in 1989 to work in the Branch of Federal Activities and Habitat Conservation. Her last 3 years in this office were as Branch Chief.

I applaud Marge's extensive experience and impressive career in public service. Her contributions and leadership as Refuge Complex Manager of the San Francisco Bay National Wildlife Refuge have left an indelible mark. I join her colleagues in thanking her for her dedicated service to the Refuge Complex and wish her every success in her new position within the Fish and Wildlife Service.

A PROCLAMATION RECOGNIZING ANTHONY ''TONY'' GENTILE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Anthony Gentile has received his honorary Bachelor of Science degree from Youngstown State University; and

Whereas, Anthony Gentile gave up his college education to serve his country during World War II as a member of the United States Army; and

Whereas, Anthony Gentile should be commended for his service to the United States and for his dedication to furthering his education.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Anthony "Tony" Gentile for his outstanding accomplishment.

RECOGNIZING ANGELA SAN NICOLAS QUIHUIZ

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Petty Officer 2nd Class Angela San Nicolas Quihuiz, a distinguished Chamorro sailor recently selected as the Military Sealift Command, MSCPAC, Shore Sailor of the Year. Throughout her career, Angela's commitment to excellence, professionalism, and exemplary performance has been consistently recognized by her superiors.

Angela is the daughter of Annie Toves San Nicolas, formerly of Agana Heights, and Michael Gonzalez Quihuiz, formerly of Phoenix, AZ. Though she and her daughter Kambrea A. Quihuiz currently reside in Chula Vista, CA, Angela still deeply values and respects her Chamorro heritage and visits Guam frequently.

Angela enlisted in the U.S. Navy in August 1998 and currently serves as the MILDET Junior Yeoman for the MSCPAC in San Diego, CA. She has been recognized for her exemplary service on numerous occasions, receiving a Navy and Marine Corps Achievement Medal with two gold stars, a Navy Unit Commendation Medal, a Navy Meritorious Unit Commendation, a Navy Good Conduct Medal with one bronze star, a Global War on Terrorism Expeditionary Medal, a Global War on Terrorism Service Medal, a National Defense Service Medal, a Sea Service Deployment Ribbon, and a Navy Recruiting Service Ribbon. She was named the Sailor of the Quarter, First Quarter 2001 while serving aboard the USS *John C. Stennis*. Angela's dedication, determination and enthusiasm has made her an integral part of many operations. She currently serves as the Awards Yeoman, Temporary Additional Duty Travel Coordinator, Leave Clerk, and Muster Petty Officer, supporting over 140 afloat military personnel in 19 forward deployed MSCPAC ships in the Pacific.

I commend Angela for her hard work and dedication to our country and express my sincere congratulations on being chosen as the Military Sealift Command Shore Sailor of the Year. As a native daughter of Guam, Angela serves as a model of success and brings great pride to our island and our people.

RECOGNIZING THE SERVICE OF LIEUTENANT COLONEL GARY ACE

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to LTC Gary Ace who will be leaving his position as Legislative Liaison officer in the Army House Liaison office on February 18, 2005. Gary has volunteered for assignment to United States Central Command with duty in Iraq and Kuwait. During his tenure, Lieutenant Colonel Ace has distinguished himself as a friend, trusted resource, and an officer who epitomizes the modern American professional soldier.

The quality of Lieutenant Colonel Ace's leadership, management, and inter-personal skills, led him to be specially selected to serve in the Secretary of the Army's Legislative Liaison office in the United States House of Representatives. In that capacity, he has been responsible for maintaining liaison with 435 Members of Congress, their personal staffs, and 20 permanent or select legislative committees. Over the past year, Gary devoted himself to getting to know more than 100 Members personally. His dedication, candor and professionalism while serving in this capacity has earned him the reputation of being a go-to person on Capitol Hill to resolve issues pertaining to the Army.

Gary's fine service to his country has seen him recognized with many awards and decorations, including the Meritorious Service Medal with three Oak Leaf Clusters, the Army Commendation Medal with Oak Leaf Cluster, the Army Achievement Medal, the Ranger Tab, the Parachutist Badge, the Air Assault Badge, and the Expert Infantry Badge. Lieutenant Colonel Ace has repeatedly stood for the defense of this Nation, her citizens and their freedom. This devotion and steadfast commitment to the defense of freedom and liberty around the world is the hallmark of a great American.

Mr. Speaker, I wish to extend my personal gratitude to Lieutenant Colonel Ace for his service to the House of Representatives, and I ask my colleagues to join me in recognizing Gary for his service to our country. The United States will be well served as Lieutenant Colonel Ace furthers his career at CENTCOM in Iraq and Kuwait.

A SALUTE TO WALTER MESS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. WOLF. Mr. Speaker, it is an honor to recognize Mr. Walter L. Mess, on the occasion of his retirement after 46 years of service with the Northern Virginia Regional Park Authority. Walter is a good man who has made invaluable contributions to our area through his dedicated public service.

I am proud to call attention today to Walter's achievements. He spent 30 years as chairman of the park authority and under his leadership the park authority has become a thriving organization. I would like to share an article from a recent edition of the Washington Post which highlights Walter's many accomplishments and contributions.

[From the Washington Post, February 3, 2005]

AREA PARKS PIONEER EARNS A REST

(By Leef Smith)

He was the longest-serving public official in Northern Virginia, overseeing the area's regional park authority as chairman for 30 years.

In December, Walter L. Mess stepped down from that post at the age of 90—his hearing, not his age, the deciding factor—having devoted more than 46 years of his life to preserving land in the area.

Under his leadership, the Northern Virginia Regional Park Authority preserved more than 10,000 acres while operating 19 regional parks in the cities of Alexandria, Fairfax and Falls Church, as well as in Arlington, Fairfax and Loudoun counties.

Today, the authority's assets are valued at more than $1 billion.

''His contributions have been immense,'' said Barry Buschow, a member of the park authority board since 1990, who represented Falls Church along with Mess. ''He's taken a struggling organization from nowhere to a billion-dollar corporation.''

Asked this week to name his proudest achievement, Mess did not mention the development of the 45-mile Washington & Old Dominion Railroad Regional Park trail, or the acquisition of the 5,000–acre Occoquan Reservoir shoreline.

Instead, he talked about his family.

He told a story about one of his 10 grandchildren, Christine, now a schoolteacher with two children of her own. Just a teenager at the time, she confronted a manager at Upton Hill Regional Park in Arlington and demanded to know why a plaque honoring her grandfather was not being displayed.

''That's what I'm the proudest of,'' said Mess, who also has 10 great-grandchildren. ''That's where the pride comes from.''

Mess and his wife, Jean, met in business school in 1934. They were married for 62 years and raised four children. She died in 2002.

The parks agency was a voluntary, time-consuming sideline to Mess's career as a land economist and mortgage banker.

As a child he canoed, hiked, hunted and fished with his father and uncle throughout

the area, in the days when it was still undeveloped.

As a young man hard at work on a law degree in 1939, Mess signed on with a U.S. government covert operations unit and was sent to Europe, where he traveled behind German lines.

He would receive an honorary green beret more than half a century later to honor his military intelligence service.

Mess returned to the United States in 1940 and returned to school to complete his degree. He married and started a family. Two years later, he enlisted in the Quartermaster Corps and was on his way to Asia when he caught his first glimpse of the future. Stationed in San Diego for a month, he got a chance to see the area's regional system of parks, golf courses and swimming pools, available to the public at no cost.

He came home in 1946 to his wife and a 4-year-old daughter he had never met. He brought with him four Bronze Star Medals, malaria, blackwater fever and the knowledge that he was lucky to be alive.

It was time, he decided, to help his native Washington benefit from the kinds of land preservation and recreational opportunities he had seen in California.

What the area needed, he decided, was a regional park system. Others agreed, and together they embarked on a decades-long journey to make it happen.

''When you start to do something, and you don't have any money and you have to get it from the public, you have to be very patient,'' Mess said. ''We were very patient. That was part of the game.''

It was also part of their success.

It took about 10 years to persuade legislators in Richmond to grant their approval. In 1959, Mess was Falls Church's first appointee to the Northern Virginia Regional Park Authority Board.

Since then, the park authority has spent $120 million on land, including parcels along the Occoquan Reservoir and Potomac River and on the environmentally fragile Mason Neck.

''Our whole idea was to protect the watershed and give people access to the water,'' Mess said. ''Back in the early days, much of that land was land that developers weren't going to use.''

In 1975, Mess became the authority's second chairman. In 1999, the agency honored his 40 years of service by naming its headquarters in Fairfax Station for him.

''This whole thing I'm being given credit for I didn't do,'' Mess said. ''The people around me did.'' The authority ''gets credit for planning and starting it, but we couldn't have done it without everyone.''

A PROCLAMATION RECOGNIZING BEV RILEY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Bev Riley has served continuously as the office manager for the Chillicothe Mayor's Office for twenty years; and

Whereas, Bev Riley provided her services as office manager through the administration of three different Chillicothe mayors; and

Whereas, Bev Riley's service to the residents of Chillicothe is greatly appreciated by all who have worked with her. She should be commended for the help that she provided to the people of Chillicothe and the surrounding area.

Therefore, I join with the entire 18th Congressional District of Ohio in celebrating Bev Riley's twenty years of service to the Village of Chillicothe.

HONORING THE LITERARY AND CULTURAL CONTRIBUTIONS OF VIOLA HERMS DRATH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today for a very special occasion—to celebrate the birthday of a distinguished American who is an author, playwright, journalist and diplomatic advisor—Viola Herms Drath.

Viola left her native Germany when she married U.S. Army Colonel Francis S. Drath, another great American, then Deputy U.S. Military Governor of Bavaria, after World War II. Prior to her marriage, Viola had established herself as a young playwright in Munich. Her first play, *Farewell Isabell*, a comedy, written at the age of 18 in the aftermath of the war, which was praised by critics, signaled the beginning of a long, creative career.

As her career evolved in the United States, she became a longtime Washington correspondent for Handelsblatt, Germany's equivalent of the Wall Street Journal, and a member of the Executive Committee of the National Committee on American Foreign Policy. Viola's insightful writings have helped Americans and Germans better understand post-war foreign policy. One of her articles for the National Committee entitled ''The Reemergence of the German Question'' published in 1988 proposed negotiations on German unification between the two German states and the four Allied Powers. As a foreign policy advisor of the 1988 Bush Presidential campaign, she helped lay the groundwork which led to the ''2+4'' process towards German unification in 1990.

Her biography of former German Chancellor Willy Brandt, *Willy Brandt: Prisoner of His Past,* first published in 1975, is being reissued this June in conjunction with the Broadway premiere of Michael Frayn's play ''Democracy''. Dr. Henry A. Kissinger recently praised this biography by calling it ''a must-read for those interested in fully appreciating an important statesman both within his own times and beyond.''

We are thankful to have the talents and energies of this extremely accomplished and talented individual. We wish her and her family many more birthday celebrations and all the best on this great occasion.

TRIBUTE TO DON DEMERS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. COSTA. Mr. Speaker, it is with heavy heart that I rise to pay tribute to Don DeMers. Don passed away Tuesday, February 1st after a long and courageous battle against cancer. I wish to recognize his accomplishments for the residents of Fresno County, as well as commend him on a life well lived.

In 1986, Don and I worked together to pass ''Measure C'' before the Fresno County voters. This groundbreaking legislation established Fresno County as one of the Nation's first ''self-help'' communities. The money collected through this measure allowed Fresno residents to build their own roads when our State Government could not. Through his expertise and management, Don invested the measure's proceeds to finance many severely needed rural and urban roads in Fresno County. As a result, residents and visitors to Fresno County today enjoy Route 41, SR 168 and SR 180, among others. These roads are vital to Fresno County's continued growth and expansion. Don's 18 years of service as Executive Director of Fresno County Transportation Authority realized the success we knew Measure C would bring to Fresno, and I do not believe that the height of this success could have been realized without him.

Don possessed a great spirit, sense of humor, and a keen intellect. Knowing him, it was hard not to like him. He made me laugh, and the breadth of his interests was compelling.

Of course, Don cannot claim sole responsibility for his accomplishments. The love and support of his beautiful and devoted wife, Deborah, enhanced and permitted his successes. Don is also survived by his two sons, three daughters, and eight (soon to be nine) grandchildren. Don was deeply devoted to his family, and this devotion was returned in kind.

Mr. Speaker, I am blessed to have known Don DeMers, and I will remember him. Don, you will be greatly missed.

RECOGNIZING SIR RAYMOND A. LONG

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Sir Raymond A. Long, in honor of his dedication a commitment to the well being of his community and the Jaffa Shrine. For the past 43 years, as Colonel of Units for the Shrine, Sir Long's guidance has been the source of security and stability and his impact has been widely respected.

Since the beginning, Sir Long has consistently exhibited the qualities to which he is committed, sharing with his community a moral code based upon honesty, strength of character, and the highest standard of ethics. His values go hand-in-hand with the Shrine's

creed and his vision for a greater, more influential brotherhood has been adopted by the Shrine with open arms. Through the Jaffa Shrine's community outreach initiatives, countless children have benefitted from orthopaedic, burn and spinal cord care free of charge and the quality of life within the community has improved because of its effluence of optimism.

Sir Long has connected with citizens in the area in a way that few are able. Since 1938, when he first joined DeMolay, Sir Long has worked diligently to make positive changes throughout the community so that the area would grow and prosper. Having taken the reigns as a strong leader since his youth, he has been a pillar of strength within his community, and his ceaseless dedication to the Jaffa Shrine is unparalleled. In the 43 years that Sir Long has had a significant hand in the Shrine's operations, it has become a driving force of service in the area by implementing new and improved health care technology in its hospitals, expanding the temple's infrastructure, and increasing the laughter and happiness among everyone involved.

It was during the 1980s, a period in which Sir Long held significant positions within the Shrine, that Shrines all across North America experienced the greatest expansion in their history. The hospitals treated unprecedented numbers of children in need, Temples and Shrines expanded both in physical structure and in membership, and the feeling of brotherhood spread even further. His uncompromising sense of duty to the community in which he lives has been a source of inspiration, and the impact he has had is immeasurable.

For his incomparable generosity, service to the Jaffa Shrine, and unabated commitment to excellence, Sir Raymond A. Long deserves the highest recognition. Throughout his tenure within the Shrine, Sir Long has not only enriched the lives of the other members, but of those in the surrounding communities who have undoubtedly benefitted from the charity, education and service that they have repeatedly provided. The legacy he has created is one that every American should emulate, and his contributions will not go unnoticed by the organization for which he has served nor the community in which he lives. I would like to congratulate Sir Long on his many accomplishments, and I wish him the best of luck as he continues his admirable service to the people of Blair County.

A PROCLAMATION RECOGNIZING MR. ROBERT WILSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. NEY. Mr. Speaker:

Whereas, Robert Wilson has served as the mayor of Toronto, Ohio for thirteen years; and

Whereas, Mr. Wilson oversaw projects in Toronto including the Sloan Station Square, the Veterans Victory Pavilion, Newburg Landing, and the installation of the beautification committee; and

Whereas, Mr. Wilson maintained a friendly, caring, and hardworking demeanor not only in his post as mayor, but also in his personal life. He should be commended for the leadership he provided to the people of Toronto and the surrounding area.

Therefore, I join with the entire 18th Congressional District of Ohio in celebrating Mr. Robert Wilson's service to the Village of Toronto, Ohio.

IN RECOGNITION OF THE 1000TH STRYKER ASSEMBLED AT THE ANNISTON ARMY DEPOT

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to the employees at the Anniston Army Depot who have reached an important milestone on behalf of our Nation's military.

On January 12, 2005, the 1000th Stryker was assembled at the Anniston Army Depot. This was a proud day for the citizens of northeast Alabama, Mr. Speaker, and was the direct result of the hard work and dedication of thousands of workers from across our community.

Assembled right here in Calhoun County, the Stryker is a transformational vehicle that will help protect our forces far into the 21st century. The troop carrier is part of a new generation of wheeled vehicles for our military, and will allow the Army to more safely and efficiently transport soldiers on the field of battle.

Not only has the Stryker proven its tactical value in Iraq, Mr. Speaker, but it has also helped better protect the lives of countless soldiers. Knowing Alabama workers helped make this advancement possible is a great honor for our community.

I salute the employees of the Anniston Army Depot for their ongoing dedication to the Stryker project, and thank them for their service to our Nation and to our men and women serving on the front lines overseas.

MILESTONE FOR DEMOCRACY

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mrs. MUSGRAVE. Mr. Speaker, I wish to submit this article from my predecessor Representative Bob Schaffer detailing his experiences in the recent Ukrainian elections. Thank you.

[From the Denver Post, Jan. 25, 2005]

MILESTONE FOR DEMOCRACY

(By Bob Schaffer)

A milestone in the democracy movement occurred Sunday as Ukrainians inaugurated Viktor Yushchenko, their third president since declaring independence from the Soviet Union in 1991.

He succeeded outgoing President Leonid Kuchma, whose administration, with the help of Russian President Vladimir Putin, went to extraordinary lengths to steer the election outcome toward Viktor Yanukovych. This time, their attempts—legal and otherwise—were just not enough.

The inauguration of Yushchenko caps an unprecedented marathon election marked by rampant election fraud, voter intimidation, assassination attempts, the presence of Russian troops and appeals to the nation's top court. Last Thursday, the end became certain as the Supreme Court rejected Yanukovych's last desperate appeal. Yushchenko is Ukraine's former prime minister. His performance established him as a leader with pro Western leanings. His penchant for privatization, free markets and private-property rights put him in the crosshairs of Ukrainian and Russian oligarchs whose tremendous wealth is built upon exclusive government deals and on the backs of Ukraine's working class.

These same Ukrainian commoners define the ''Orange Revolution,'' named after Yushchenko's campaign color. I was in Ukraine as an election monitor during the start of the revolution and witnessed millions of Ukrainians pouring into Kiev's Independence Square.

The protest was sparked when the government announced fraudulent election results and tried to hand Yanukovych a false victory. Demonstrators stayed in the streets for weeks in sub-zero weather demanding a new election and an end to corruption.

Yushchenko's election is important for two reasons. First, with the help of international observers (including several Coloradans), Ukrainians conducted a legitimate election in the face of difficult odds.

Given the history of oppression in Ukraine, the election is a triumph of courage. Today's Ukrainians are the grandchildren, children and survivors of Stalin's engineered famine of 1932–33. For generations, they have seen that Ukrainians who challenge governing authorities often die untimely deaths.

The election is also a triumph for women. In 35,000 polling stations throughout Ukraine, it was the women who insisted on a transparent election. They were the brave volunteers who stood up to thugs, dressed down armed government agents and enforced the rules to protect the ballot box.

Indeed, the Patrick Henry of Ukraine is Yulia Tymoshenko, a parliamentarian who marshaled the masses in the peaceful, purposeful and well-organized Orange Revolution. Tymoshenko is emblematic of Ukrainian women. Their leadership has made the greatest difference in Ukrainian politics, business, academia and culture.

For Ukrainians, Yushchenko represents unleashed opportunity. Ukraine's massive underground economy has the potential to become one of the most powerful economies in Europe. Yushchenko understands this.

He has charted an ambitious agenda for reforming Ukraine's economic institutions with an emphasis on attracting foreign investment and improving domestic productivity. Ukraine's economy is quite strong. Last year's increase in its gross domestic product was among the highest in the world.

A country of 48 million, Ukraine has a highly educated workforce and nearly 100 percent literacy. It is the second-largest country in Europe, has abundant natural resources, contains the planet's richest soil and enjoys a geographic location conducive to trade.

In anticipation of a Yushchenko presidency, foreign investors have been busting down the doors of Kiev in search of ground-floor opportunities. Yushchenko's promise to accelerate NATO cooperation, European integration and Western economic standards is

underscored by his immediate travel schedule. This week he heads to a meeting of the Council of Europe, then to the World Economic Forum in Davos, Switzerland.

Colorado shares many common features with Ukraine which have led to partnerships in agriculture, mineral extraction, medicine, space development and education. Strengthening these partnerships in the Yushchenko era presents a solid opportunity for Coloradans to help secure democracy and freedom in Ukraine while expanding trade here at home.

RECOGNIZING MR. BRADLEY DAVID DEBRASKA

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. SENSENBRENNER. Mr. Speaker, I rise today to recognize the retirement of Mr. Bradley David DeBraska, a police officer with the Milwaukee Police Department. It gives me great pleasure to join the International Union of Police Associations in recognizing his service to the Milwaukee community.

Mr. DeBraska has honorably served the police force since 1977. He worked tirelessly as a Police Officer, and for the past twelve years has served dual roles as a Police Liaison Officer and Detective. Mr. DeBraska's service also extends to numerous Boards and Associations, helping to guide several police and community organizations. In addition, he faithfully served the residents of Wisconsin as a member of the University of Wisconsin Board of Regents. He has truly fulfilled his duty as a citizen of this country.

I am proud of the work that Mr. DeBraska has accomplished in his 28 years of service. Once again, I congratulate him. I wish Mr. DeBraska a healthy and happy retirement.

RECOGNIZING MARY BETH SCOW

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. PORTER. Mr. Speaker, I rise today to recognize the achievements of Mary Beth Scow and her contributions to excellence in public education. As a current representative of District A of the Clark County School District Board of Trustees, Mrs. Scow has been an outspoken voice and is honored for her contributions. I stand today to praise her for her continued leadership and passion in improving education in southern Nevada.

Mrs. Scow, a Denver native, has been a resident of southern Nevada for the past 25 years. She graduated cum laude from Brigham Young University with a bachelor's degree in community health education. She and her husband Steve are the proud parents of nine children, all educated in the Clark County School District. The entire family has been very involved in community sports, music and church activities.

With a vision to help prepare Clark County students for higher education and for successful future careers, Mrs. Scow has been an outspoken voice for Clark County students. Elected to the board of school trustees in 1996, Mrs. Scow has proven her leadership qualities by serving two terms as president of that body. In addition, she has served on various educational committees and zoning task forces. In her community, she leaves a legacy to the Sunset Area Council of PTA as a former president and to her local Boy Scout chapter as den leader.

Mr. Speaker, it is with great pride that I stand today to pay tribute to a visionary leader, committed parent and public servant. I join with the William McCool Science Center at Frank Lamping Elementary School to pay tribute to Mary Beth Scow for her dedication to Clark County students and her commitment to excellence in education. I thank her for her contribution and I urge my colleagues to recognize in their own communities, the contributions of great leaders in education.

SUPPORT OF THE ASSURED FUNDING FOR VETERANS HEALTH CARE ACT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. LEVIN. Mr. Speaker, I rise today in support of Congressman EVANS' legislation, the Assured Funding for Veterans Health Care Act, and am proud to be an original cosponsor. This legislation will guarantee that veterans receive the health care they have earned and deserve.

With an increase in the number of veterans seeking care, a dramatic rise in medical costs, and years of inadequate VA health care funding, there is a clear and growing mismatch between the demand for VA services and available funds to support these services. The number of patients entering the VA health care system has increased by 134 percent since 1996, but funding for medical care has increased just 44 percent. This has resulted in unprecedented waiting times for routine and specialized medical care nationwide. In my home state of Michigan, some veterans are waiting more than 6 months for an initial doctor's appointment. This situation is untenable.

The reason for this problem is evident and so is the solution. Every year, veterans have to fight with a myriad of non-veterans' programs to receive the money necessary for their health care treatment. To end this annual budget battle, the Assured Funding for Veterans Health Care Act would require Congress to meet our veterans' medical care needs by providing funding for VA health care based on the number of enrollees in the system and medical inflation.

This is legislation that Members on both sides of the aisle should support. In fact, a commission established by the White House, the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans, issued a report in March 2003 noting the mismatch between veterans' needs and VA services, and recommending guaranteed funding to fix this problem. To date, the Administration has refused to endorse, or even to acknowledge, the Task Force's recommendation.

The current system is not serving our veterans well. The VA must have a sufficient budget to effectively manage its health care programs, to hire the appropriate number of staff, and to adequately plan for the coming year well in advance. Guaranteed veterans' health care funding would end the year-to-year uncertainty the VA and our veterans face, and would fulfill the obligation this country has to the men and women who served in uniform.

HONORING SISTER ANN MCGUINN, HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Sister Ann McGuinn, of Sisters of St. Joseph of Orange, for her lifetime of service attending to the spiritual and health care needs of others.

Sister Ann is retiring from a long and distinguished career as a health care administrator with the St. Joseph Hospitals System of California. She served as Vice-President of sponsorship for St. Joseph's Hospital of Humboldt County from 1992 to 2005. She formerly served as the administrator for St. Joseph Hospital, in Orange from 1961 to 1972; and CEO of Queen of the Valley Hospital in Napa from 1971 to 1992. Under her leadership, the Children's Hospital of Orange County was established. During her tenure at Queen of the Valley she established a dental clinic for the poor, now called Sister Anne Dental Clinic, developed specialized cancer programs and created the system's first home health care.

Throughout her long career, Sister Ann has been a tireless champion for the poor and an advocate for the vulnerable. She has been generous with her time and energy and is highly regarded by those who have had an opportunity to work with her. She has played a large role in improving the lives of thousands of people.

In Humboldt County, Sister Ann's force of compassion brought together a myriad of resources to fund homeless programs, winter shelters and improved dental health for poor children. She has been unflaggingly supportive of efforts to expand rural healthcare services, particularly for battered women and underprivileged children.

In 1992, I had the privilege of naming Sister Ann "Woman of the Year" for the 2nd Senate District of the California State Senate. She is the past recipient of the "Value in Action Award for Justice" presented by the St. Joseph Health System.

Sister Ann entered the order of St. Joseph of Orange in 1944; she received her RN from Mary's Help Hospital, now called Cedar Sinai Medical Center, in San Francisco. She was trained as an obstetrics nurse. She is the daughter of John and Mary McGuinn of San Francisco.

Mr. Speaker, it is appropriate at this time that we recognize Sister Ann McGuinn for her compassion, leadership and commitment to

families and the less fortunate and for her extraordinary record of public service to the people of the State of California.

CELEBRATING THE 100TH BIRTHDAY OF THE REVEREND WARREN E. DARNELL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. ACKERMAN. Mr. Speaker, I rise to celebrate the 100th birthday of The Reverend Warren E. Darnell and to honor his 75 years of service to his community.

Eager to begin his work in this world, Rev. Darnell was born before the doctor arrived at his parents' home on February 4, 1905. From nearly that day forward, Rev. Darnell has dedicated his life to helping others. He graduated from Hanover College in 1928, and went on to study at the Union Theological Seminary, receiving his Master of Divinity Studies in 1931.

Shortly after completing his education and being ordained by the Presbyterian Church, Rev. Darnell joined The Community Church of Little Neck as a Pastor. During his 53-plus year tenure with the Church, Rev. Darnell oversaw tremendous growth in the congregation's membership and a considerable expansion of the church facilities. Upon his retirement, Rev. Darnell was named Pastor Emeritus of The Community Church of Little Neck, and he continued his faithful service to Little Neck and the surrounding communities by performing weddings, baptisms, funerals, and supplying pulpits until the age of 95.

In addition to his church service, Rev. Darnell has received numerous awards and accolades. He helped found the Great Neck Clergy Association to fight anti-Semitism and promote brotherhood, tolerance, and understanding among the different religious traditions represented in the community. Rev. Darnell also served as the Director and Trustee of the New York State Christian Endeavor Union Summer Assemblies, as a commissioner to the General Assembly of The United Presbyterian Church, and on various committees of the New York City Presbytery.

Local and family values have always been of the utmost importance to Rev. Darnell. He and his wife, Dorothy, celebrated their 75th wedding anniversary this past September, together with their three children, seven grandchildren, and nine great-grandchildren.

Mr. Speaker, I commend The Reverend Warren E. Darnell for his 75 years of dedicated service to his community. As a pastor, community leader, husband, and father, Rev. Darnell has contributed much to the great many lives he has touched. In recognition of this, I ask my colleagues in the House of Representatives to please join me in honoring The Reverend Warren E. Darnell as he celebrates his 100th birthday.

TRIBUTE TO ART STAMPER

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. CHANDLER. Mr. Speaker, it is with great honor I rise today to pay tribute to one of Kentucky's finest musicians, Art Stamper.

Nationally acclaimed in Bluegrass music, Art Stamper began playing the banjo and fiddle before age 10. His first fiddle had a self-made bow and Art taught himself how to play his first song. One of 4 sons and 3 daughters of the late Martha and Hiram Stamper, Art Stamper was born in 1933 in a log house in Knott County, Kentucky. Art Stamper got his love of music from his father. Hiram Stamper was an accomplished musician, and Art quickly followed suit, becoming a professional musician by age 16. Art Stamper helped define the music we now call Bluegrass. During his career and travels around the world, he worked with Bill Monroe, the Stanley Brothers, the Osborne Brothers, the Goins Brothers, Larry Sparks, Jim & Jesse, Bill Clifton and J.D. Crowe.

Art Stamper is not only known as a master fiddler but also for his mastery as a hairdresser. He won many awards as owner of Louisville's The Way of Art. Art never stopped playing the fiddle as other musicians would come for haircuts and play while waiting their turn.

Art Stamper is the father of two sons and one daughter and husband of Kay Kawaguchi Stamper. Mr. Speaker, Art Stamper passed away on Sunday, January 23, 2005, but will always be remembered for his endless contributions to society and especially that of Bluegrass music.

HONORING SANDRA BATES, COMMISSIONER OF THE FEDERAL TECHNOLOGY SERVICE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Sandra Bates for over 36 years of dedicated service to the Federal Government.

Sandra Bates has finished off an illustrious career in the Federal Government. She started out in 1969 as intern with the General Services Administration. She worked her way up as an agency liaison for telecommunications and automatic data processing acquisitions on the original governmentwide long distance services program, FTS, before moving on to the National Aeronautics and Space Administration in 1979. While at NASA, she served in various telecommunications positions until 1993 when she was named chief of communications with responsibility for all NASA operational, command, and control networks worldwide.

She returned to GSA in 1996 and assumed the positions of assistant commissioner for service and delivery and deputy commissioner in the Federal Technology Service before taking over the role of commissioner of the Federal Technology Service in April 2000. As commissioner, she has, among other things, successfully guided the Federal Technology Service through the most recent edition of the governmentwide telecommunications program, FTS 2001.

Throughout her career as a civil servant, Sandra Bates has been active in the federal technology community, serving in leadership roles with a number of government and industry councils and associations. She has received numerous awards, including NASA's Exceptional Service Medal, the Presidential Rank Award of Meritorious Service, the Government Information Technology Award, the Fed 100 Award, 3 separate years, the Industry Advisory Council's Outstanding Individual Government Communicator Award, and the American Council for Technology's John J. Franke Award for Extraordinary Contributions to Long Term Federal Service. She leaves behind a long list of accomplishments in her distinguished career of service to our Nation.

Mr. Speaker, in closing, I would like to extend my best wishes to Ms. Bates on her retirement as commissioner of the Federal Technology Service. While I know that she will be greatly missed, her retirement is well deserved. I call upon my colleagues to join me in honoring Ms. Bates and in wishing her the best of luck in all future endeavors.

WE NEED TELECOM REFORM

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to speak on the anniversary of one of the hardest fought legislative battles of the last decade and to discuss the need for improving it this year.

It was 9 years ago this week that Congress last passed comprehensive telecom reform. The biggest issues then were how best to provide competition in both local and long distance telephone service and to ensure that everyone, including those in rural areas, has access to phone service.

In the last 9 years we have seen advancements in communication technology that could not have been envisioned. Near universal access to the Internet, development and deployment of broadband technology, more wireless phones in service than wireline accounts, e-mail on the go and cable, phone, and satellite companies all vying to deliver an entire suite of video and communications services to a growing marketplace. New technologies and industries unfettered by the constraints of old rules have competed vigorously for consumers' business, transforming forever the way business and consumers get information and communicate with one another.

Unfortunately, our telecom laws have not kept pace with growing demand for choice and competition in the marketplace. Some industries continue to operate under arcane regulations that stifle ingenuity, hinder job creation, and bottle up needed economic investment.

These same regulations also place the burden of meeting our shared national priorities of universal phone service and 911 emergency services squarely on the shoulders of a single industry—the local phone companies.

Our Nation's telecom laws are due for some badly needed, free-market reforms, changes that will build upon the successes of the last 9 years in terms of innovation and product delivery while also addressing the issues of social responsibility and competition. Unlike what we did in 1996, these new telecom laws must do more to anticipate advancements and create a mechanism where the playing field is level for every company that wishes to compete.

Specifically, we face some daunting challenges. The United States—despite being the country that invented the Internet—ranks 13th in the world in broadband deployment, there are millions of jobs and billions of dollars in potential investment waiting to be unleashed by a telecom marketplace free of excessive regulations and Universal Service and 911 access must, again, be the responsibility of all the companies in the telecom marketplace.

In much the same way healthy, abundant competition for mobile phone service has enabled nearly every community in the United States to have access to a wireless phone signal, so too can vigorous competition deliver on President Bush's commitment of universal broadband service. A study by the New Millennium Research Council shows that 1.2 million jobs can be created and over $50 billion in new investment in broadband technologies can be brought about by ubiquitous broadband deployment.

In the past, we have made it incumbent upon local phone companies to ensure that basic phone service and 911 emergency needs were met. These services are important to our rural and local safety communities and must be protected. Now, however, it is unfair to ask only a handful of companies to bear the burden of ensuring the success of the Universal Service Fund and it is dangerous to allow some companies offering phone services to opt out of providing 911 services.

In closing, Mr. Speaker, we have a responsibility this year to revisit our Nation's outdated and arcane telecom laws. A responsibility to our constituents to ensure that telecommunications competition provides choices. A responsibility to our economy to institute a telecom policy that spurs job creation and investment. A responsibility to our communities that their broadband and 911 safety needs will be met. And, finally, a responsibility to future telecom advancements that we will allow them to flourish and compete so that the United States is, once again, the global telecommunications leader.

TRIBUTE TO MR. JAMES FORMAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the life and legacy of Mr. James Forman, former executive secretary for the Student Nonviolent Coordinating Committee. In tribute to Mr. Forman, I would like to submit the following excerpt from the Washington Post Article, Civil Rights Activist James Forman Dies at 76; Key Organizer of SNCC, written by Joe Holley on Wednesday, January 12, 2005.

James Forman, 76, who as executive secretary of the Student Nonviolent Coordinating Committee in the early 1960s dispatched cadres of organizers, demonstrators and Freedom Riders into the most dangerous redoubts of the Deep South, died January 10 of colon cancer at Washington House, a local hospice.

At the height of the civil rights movement, Mr. Forman hammered out a role for SNCC among the so-called Big Five, the established civil rights organizations that included the National Association for the Advancement of Colored People, the NAACP Legal Defense and Education Fund, the Congress of Racial Equality and the Southern Christian Leadership Conference. SNCC in those years was the edgier, more aggressive organization, pushing the South specifically and the nation generally toward change.

On numerous occasions, Mr. Forman himself was harassed, beaten and jailed during forays to register voters and organize protests in communities willing to use any means necessary, including terror, intimidation and murder, to resist the dismantling of the region's rigid system of segregation.

''Accumulating experiences with Southern 'law and order' were turning me into a full-fledged revolutionary,'' Mr. Forman wrote, recalling his experiences of 1962 and 1963. Although he moved increasingly leftward during his years at SNCC, he was edged out of the organization in the late 1960s when Stokely Carmichael, H. Rap Brown and other, younger members considered him insufficiently militant.

When Mr. Forman joined SNCC in 1961, it was a loose federation of student organizations housed in a grubby, windowless room in Atlanta, across the street from the offices of the Southern Christian Leadership Conference on Auburn Avenue. As an Air Force veteran who was about a decade older than most of those involved with SNCC, he had the drive and experience, as well as the administrative abilities, to give focus to the organization, universally pronounced ''Snick.'' Appointed executive secretary within a week of his arrival, he set about paying old bills, radically expanding the staff and planning logistics for direct action efforts and voter-registration drives in Mississippi, Alabama, Georgia and elsewhere.

''He imbued the organization with a camaraderie and collegiality that I've never seen in any organization before or since,'' said Julian Bond, chairman of the NAACP and SNCC's communications director during Mr. Forman's tenure.

''Jim performed an organizational miracle in holding together a loose band of nonviolent revolutionaries who simply wanted to act together to eliminate racial discrimination and terror,'' said Del. Eleanor Holmes Norton (D–D.C.), who was a member of SNCC. ''As a result, SNCC had an equal place at the table with all the major civil rights organizations of the 1960s.''

James Forman was born in Chicago on Oct. 4, 1928, and spent his early years living with his grandmother on a farm in Marshall County, Miss. When he was 6, his parents took him back to Chicago, although he often spent summers in Mississippi. Until he was a teenager, he used the surname of his stepfather, John Rufus, a gas station manager, unaware that his real father was a Chicago cabdriver named Jackson Forman.

He graduated with honors from Chicago's Englewood High School in 1947 and served with the Air Force in Okinawa during the Korean War. After his discharge in 1952, he enrolled at the University of Southern California.

Early in his second semester, in 1953, he was falsely arrested, beaten and held for three days by Los Angeles police. The experience prompted a breakdown that briefly put him in a psychiatric hospital. Afterward, he returned to Chicago and enrolled at Roosevelt University.

He graduated in three years, planning to be a writer or journalist. While doing graduate work at Boston University, he wrangled press credentials from the Chicago Defender and took the train to Little Rock, where, in the fall of 1957, court-ordered school integration was being resisted. From there, he filed a few stories and looked for opportunities to organize mass protests in the South.

After working briefly as a substitute elementary school teacher in Chicago, he found that opportunity in Fayette County, Tenn., a few miles from his childhood home. Seven hundred families of sharecroppers had been evicted from their homes for registering to vote. Joining a program sponsored by the Congress of Racial Equality, he helped publicize the farmers' plight, distributed food and registered voters.

In the summer of 1961, he was jailed with SNCC-organized Freedom Riders who were protesting segregated facilities in Monroe, N.C. After his sentence was suspended, he went to work full time for SNCC.

One of Mr. Forman's early challenges was to referee an internal dispute between SNCC activists who believed in direct action—sit-ins, demonstrations and other forms of confrontation—and those who believed voter registration was the most effective path to political empowerment. Mr. Forman maintained there really was no distinction.

''The brutal Southern sheriffs,'' he wrote a few years later, ''didn't care what kind of 'outside agitator' you were; you were black and making trouble and that was enough for them.''

He also wrestled, as did most SNCC members, with the meaning and utility of nonviolence. Unlike his friend and SNCC cohort John Lewis, who considered nonviolence a way of life, Mr. Forman considered it a tactic, nothing more. There were times, he believed, when self-defense—fighting back—was absolutely necessary.

Mr. Forman also was often at odds with Martin Luther King Jr. and the Southern Christian Leadership Conference. In 1961, for example, Mr. Forman objected to King's involvement in the Albany Movement, a boycott, sit-in and voter registration drive SNCC initiated in Georgia.

''A strong people's movement was in progress, the people were feeling their own strength grow,'' he wrote some years later. ''I knew how much harm could be done by interjecting the Messiah complex—people would feel that only a particular individual could save them and would not move on their own to fight racism and exploitation.''

King came to Albany, spoke and left. SNCC's work in the area continued for the next couple of years.

In the summer of 1964, Mr. Forman's SNCC brought almost a thousand young volunteers, black and white, to register voters, set up ''freedom schools,'' establish community centers and build the Mississippi Freedom

Democratic Party. Among those volunteers were Andrew Goodman, James Chaney and Michael Schwerner, the three young men murdered along a muddy road near Philadelphia, Miss., in June 1964. (According to Julian Bond, Mr. Forman was probably not aware in the last days of his life that Edgar Ray Killen, a preacher and sawmill operator, had been recently charged with the murders.)

Later that summer, Mr. Forman journeyed to Atlantic City, where he worked to persuade Democratic Party officials to recognize the Mississippi Freedom Democratic Party at the Democratic National Convention. Despite his efforts and despite the powerful testimony of Fannie Lou Hamer, who told of being fired by her boss and beaten unconscious by the police for her work in support of MFDP, the upstart party failed to supplant the state's party regulars.

''Atlantic City was a powerful lesson, not only for the black people from Mississippi but for all of SNCC and many other people as well,'' Mr. Forman wrote. ''No longer was there any hope, among those who still had it, that the federal government would change the situation in the Deep South.''

Despite Mr. Forman's growing militancy, SNCC dumped him and Lewis in 1966, replacing them with Carmichael and Ruby Doris Smith Robinson.

Mr. Forman, who always had been interested in African liberation movements, went to Africa in 1967. In 1969, he helped organize the Black Economic Development Conference in Detroit, where a ''Black Manifesto'' was adopted. He also founded a nonprofit organization called the Unemployment and Poverty Action Committee.

On a Sunday morning in May 1969, Mr. Forman interrupted services at New York City's Riverside Church to demand $500 million in reparations from white churches to make up for injustices African Americans had suffered over the centuries. Although Riverside's preaching minister, the Rev. Ernest T. Campbell, termed the demands ''exorbitant and fanciful,'' he was in sympathy with the impulse, if not the tactic. Later, the church agreed to donate a fixed percentage of its annual income to anti-poverty efforts.

In the 1970s, Mr. Forman was in graduate school at Cornell University and received a master's degree in African and African American studies in 1980. In 1982, he received a PhD from the Union of Experimental Colleges and Universities.

A writer and pamphleteer, Mr. Forman moved to Washington in 1981 and started a newspaper called the Washington Times, which lasted a short while. He also founded the Black American News Service. He was the author of ''Sammy Younge Jr.: The First Black College Student to Die in the Black Liberation Movement'' (1969), ''The Making of Black Revolutionaries'' (1972 and 1997) and ''Self Determination: An Examination of the Question and Its Application to the African American People'' (1984).

His marriages to Mary Forman, Mildred Thompson and Constancia Ramilly ended in divorce.

Survivors include two sons, Chaka Esmond Fanon Forman of Venice Beach, Calif, and James Robert Lumumba Forman Jr. of the District; and one granddaughter.

In July, despite being weak from his long struggle with cancer, Mr. Forman took a train from Washington to Boston during the Democratic National Convention. He took part in a ''Boston Tea Party,'' in which members of the D.C. delegation tossed bags of tea into Boston Harbor to protest lack of statehood and no vote in Congress.

''It was said that on his deathbed, Frederick Douglass's last words were, 'Organize! Organize!' That's what Forman did every day of his life,'' Bond said. ''That's what today's civil rights movement has forgotten how to do.''

I take great pride in commending Mr. James Forman for his work to curb racial segregation and win social justice in this country.

INTRODUCING A BILL TO ENHANCE THE SAFETY OF COMMERCIAL SPACE FLIGHT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. OBERSTAR. Mr. Speaker, today I have introduced a bill to enhance the safety of commercial space flight by ensuring that the Federal Aviation Administration (FAA) has the authority it needs to protect the safety of passengers of the emerging commercial space industry.

Mr. Speaker, I support commercial space exploration and the commercial space industry, but not at the expense of totally ignoring safety. The Commercial Space Launch Amendments Act of 2004, P.L. 108–492, prohibits the Secretary of Transportation from issuing safety design and operating regulations or even minimal safety requirements for individual licenses for the next eight years unless there is a potentially catastrophic incident.

The current statutory language amounts to, in essence, the codification of what has come to be known in aviation safety parlance as the ''Tombstone Mentality.'' For years, both I and many of my colleagues on the Aviation Subcommittee have criticized the FAA for waiting until after a disaster to take safety actions, and have urged more proactive safety oversight.

Supporters of the Commercial Space Launch Amendments Act argued that safety regulation would discourage experimentation and innovation. However, the Act went well beyond these objectives and essentially tied FAA's hands by totally banning any safety requirements, except in post-accident circumstances where lives have already been lost. Under the Act, the FAA would be prevented from requiring even the simplest, least expensive enhancements to protect safety of passengers on these space flights.

Mr. Speaker, my bill would amend the Commercial Space Launch Amendments Act to give the FAA the authority and flexibility to establish minimum safety regulations. My bill would not preclude innovation and, contrary to the claims of supporters of the Act, my bill would not require FAA to impose the same degree of regulation on the developing space travel industry that is imposed on the mature air transportation industry. Specifically, although my bill would require that FAA include, in each license it issues, minimum standards to protect the health and safety of crews and space flight participants, it would further require that, in imposing these standards, FAA must take into account the ''inherently risky nature of human space flight.'' My bill would give the FAA the flexibility to create a regulatory structure governing the design or operation of a launch vehicle to protect the health and safety of crews and space flight participants as is necessary, without having to wait for a catastrophic failure to occur.

Mr. Speaker, safety regulation need not be incompatible with developing new technology. For example, although FAA has closely regulated aircraft manufacturing since the 1920's, this regulation has not prevented major technological progress, including the development of jet aircraft in the 1950's and all-composite general aviation aircraft in recent years.

We can and should protect the safety of passengers on space flights in this new and emerging industry, without placing unreasonable limitations on industry development. I urge my colleagues to join me in working to pass this important legislation.

PERSONAL EXPLANATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. DINGELL. Mr. Speaker, last week I missed two important votes relating to elections in the troubled Middle East. H. Res. 56 commends the Palestinian people for the free election held on January 9, 2005, and H. Res. 60 relates to the election held in Iraq on January 30, 2005. I rise today to say that I would have voted ''yes'' on both H. Res. 56 and H. Res. 60.

On Sunday, January 30, millions of Iraqis voted in a free election for the first time in their lives. Many walked great distances and nearly all risked their lives to exercise this new right. Though I opposed the war, the election that took place in Iraq is something to be celebrated. In addition to commending the people of Iraq, I would like to commend our men and women in the armed services. Without their hard work and bravery in developing and executing a complex security plan, this most successful election would not have been possible.

Now that the people of Iraq have had a free election, we need to put our efforts into helping them find ways to defeat the insurgency, involve all religious and ethnic persuasions in the political process and ensure that the rights of minorities are protected as they continue to draft a Constitution.

In addition, it is important that the United States look toward developing an exit strategy. In reality, this should have been done before we initiated military operations. We need to continue to train and equip Iraqi security forces. In order to properly do this, we need to have an accurate assessment of the capabilities of those forces now.

The free election in Iraq was an achievement that cannot be understated. That said, we have a vested interest in a secure and democratic Iraq and while the election was an important milestone, we need to look ahead to a time when our work over there is done and our troops can come home.

Now, turning to the recent elections in the Palestinian Territories. I would like to commend Dr. Mahmoud Abbas on his election as

the second President of the Palestinian Authority and the Palestinian people for making their voices heard. The elections on January 9 were conducted under difficult circumstances, including ongoing violence and a limited ability for candidates to campaign. Despite these challenges, an amazing 70 percent of registered voters turned out, according to Dr. Hana Nasir, head of the Palestinian Central Election Commission. The Palestinian people, political organizations, and presidential candidates all deserve praise for this significant step forward. Moreover, although voters in East Jerusalem experienced difficulties, elsewhere in the West Bank and Gaza Israel facilitated the election process. For this Israel also deserves commendation.

International observers—including some of our colleagues here—state that the elections were free and fair. Allow me to share a few key observations of the International Observer Delegation organized by the National Democratic Institute and the Carter Center.

The election was contested vigorously and administered fairly. Election day was orderly and generally peaceful.

The process, organized in just 60 days in accordance with the Palestinian Basic Law and under difficult circumstances of the ongoing conflict and occupation, represents a step forward for Palestinian democracy.

Seven presidential candidates competed in the election, presenting Palestinians with a choice among distinct points of view. . . . This is a tribute to the seriousness of the political competitors and to the Palestinian people's desire to respect political pluralism.

Following the death of Yasser Arafat, many predicted that the Palestinian Authority would crumble into complete chaos. In fact, Palestinian institutions proved more resilient, and the Palestinian people showed greater determination for peace and self-determination than many expected. Consequently, the transition of power from President Arafat to President Abbas stands as a model for the region to emulate.

Mr. Speaker, the Palestinian elections of January 9 were clearly a proud day for Palestinians and a very positive step forward in the effort to broaden the reach peaceful, civil interaction. It is a clear mandate for President Abbas to pursue his agenda of peaceful negotiations with Israel in order to establish a viable, sovereign, and independent Palestinian state. It is now incumbent on the United States and Israel to support President Abbas in his effort to consolidate power, to generate political and economic benefits for the Palestinian people, and to engage seriously in the negotiation of a peace settlement. The recipe for a final agreement has been apparent to most of us for some time. Now all the ingredients appear to be assembled. Those interested in creating peace have no reason or excuse not to move forward.

COMMEMORATING THE 75TH ANNIVERSARY OF THE TEXAS TAVERN

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. GOODLATTE. Mr. Speaker, I am delighted to recognize the Texas Tavern restaurant in Roanoke, Virginia on its 75th anniversary. Texas Tavern opened for business on February 13, 1930. It's known as ''Roanoke's Millionaires Club'' and for seating ''1,000 people—10 at a time.'' From breakfast to hot dogs, hamburgers, and chile, Texas Tavern's menu is as much an institution as the eatery itself.

The founder of the Texas Tavern was Nick Bullington, an advance man for the Ringling Brothers and Barnum and Bailey Circus, who also hoped to open a small, short order restaurant in one of the cities he visited on the circus route around the United States. Bullington recognized that the railroad was making Roanoke a major city. He located a vacant lot on Church Avenue in downtown Roanoke for the restaurant. Construction began and a short five months later, the Texas Tavern was open for business.

Texas Tavern has been a family operation from day one. Nick Bullington's son, James G. Bullington, became owner and operator of the restaurant when his father passed away in 1942. In 1966, James N. Bullington became a night manager for his father and in 1983, he purchased the business and property on which the restaurant sits, ensuring that the Texas Tavern would remain in the small, whitewashed brick building it's always called home. Matt Bullington—Nick Bullington's great grandson—worked at the restaurant throughout college in the mid-1990s and then took over for his dad, serving today as the man at the helm of one of Roanoke's favorite gathering places.

To visit Texas Tavern is to visit a slice of Americana. The Cheesy Western and chile are the signature dishes that have kept diners—famous and otherwise—coming back for 75 years. Glen Miller, Debbie Reynolds, and even former Sixth District Congressman Caldwell Butler are on the roster of Texas Tavern aficionados, and so are Gerald Williams and Bill Ammons—two of the original customers who still eat there today. Estimates are that nine and a half million hot dogs and 1,100 tons of pinto beans have been served to those who've sat at the small counter—rubbing elbows with friends and foes alike but never leaving the restaurant unsatisfied.

The Texas Tavern has operated in the best spirit of American enterprise in Roanoke—the Star City of Virginia—for three-quarters of a century. I offer my congratulations to the Bullington family for helping show us that the American dream remains alive and well all these years later.

REMEMBERING CHANEY, GOODMAN, AND SCHWERNER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the State of Mississippi's pursuit for justice as it has brought forth an indictment of noted Klansman Edgar Ray Killen for the murders of James E. Chaney, Andrew Goodman, and Michael Schwerner. As the State of Mississippi has been collecting evidence and investigating this case, I would like to submit the following excerpt from Olen Burrage's The Mississippi Murder of Goodman, Schwerner, and Chaney by Seth Cagin and Phillip Dray.

The owner of a local trucking company, Olen Burrage, was having a cattle pond dug on his property, five miles southwest of town on Highway 21. Burrage had hired Herman Tucker, one of his part-time drivers and the owner/operator of two Caterpillar dozers, to build the pond and the large dam that would restrain it. The Neshoba Klansman arranged for Billy Wayne Posey to arrive at midnight on the lane of the Burrage property with the bodies of Goodman, Schwerner, and Chaney. Once the bodies were placed in the center of the dam, fifteen or twenty feet down, Tucker would reseal it with one of the bulldozers. When the pond filled with rainwater, the place where the bodies were stashed would simply become an innocuous part of the Neshoba landscape—a Klansman version of a Choctaw burial mound.

''So you wanted to come to Mississippi?'' one of the murderers is reputed to have told the victims later that night. ''Well, now we're gonna let you stay here. We're not even gonna run you out. We're gonna let you stay here with us.'' (p. 55)

Killen, as organizer of the Neshoba and Lauderdale County klaverns of the White Knights of Mississippi and point man for the conspiracy, was eager to return to Philadelphia as soon as he had collected enough men for the operation. There were ''arrangements'' to be made, he explained to the men at Akin's. Quickly he sketched for them the plan he had devised in collusion with Neshoba County deputy sheriff Cecil Price and Billy Wayne Posey, and possibly—to infer from the events that would transpire—Hop Barnett and Olen Burrage. Deputy Price would release Goatee and the other two civil rights workers as soon as it got dark. Once the civil rights workers were turned loose and were alone out on the highway, they would be stopped by a Mississippi Highway Safety Patrol car and turned over to the Klan. (p. 336)

Billy Wayne Posey was among those who attempted the Bonanza alibi, but in fact Posey had been far too busy that day to watch television. His role in the conspiracy was to arrange for the disposal of the victims' bodies, a grisly task easily as complex as setting them up to be done away with in the first place. After Goodman, Schwerner, and Chaney were arrested late on the afternoon of June 21, Posey met with Olen Burrage, who owned a trucking firm and several pieces of farm property west of Philadelphia, and Herman Tucker, a bulldozer operator who occasionally worked for Burrage. This meeting took place either at Burrage's garage, southwest of Philadelphia, or at the Phillips 66 station.

Posey's arrangement with Burrage to use a dam being built on Burrage's property as a burial site for the three civil rights workers' was probably not the result of brainstorm thinking by the conspirators. In all likelihood, Burrage's dam site had been previously scouted out by the Neshoba klavern for its potential as a secret grave, perhaps as early as mid-May, when Mickey Schwerner's incursions into Longdale were becoming known to the Klansmen. Mississippi FBI agent John Proctor claims to have learned from an informant that Burrage once told a roomful of Neshoba Klansmen discussing the impending invasion of civil rights workers, ''Hell, I've got a dam that'll hold a hundred of them.'' Although the Meridian Klansmen had been instructed to leave Mickey Schwerner alone, the leaders of the Neshoba klavern had apparently been given Sam Bowers's approval to ''eliminate'' him if they caught him in Neshoba County. They may well have expected to have further opportunities to nab Schwerner on one of his visits to Longdale, and it is possible many elements of the conspiracy—the release from jail, the highway chase, and the secret burial—were loosely in place before June 21.

The previous summer, Burrage had consulted an agent of the U.S. Department of Agriculture's Soil Conservation Service about joining a program under which landowners could obtain government funding for pond dams that met certain conservation requirements. Burrage's proposed dam met the program's specifications, but the approval of the funding was contingent upon periodic inspections of the construction site by agents from the Department of Agriculture. In May 1964, when Burrage finalized arrangements with Herman Tucker and authorized him to begin work on the dam, Burrage chose—for reason he never explained—to do so without participating in the government program. (pp. 340–342)

With the civil rights workers' bodies in the hole, Posey signaled Tucker to start moving. The tractor ran fifteen minutes as Tucker bladed off the top of the dam so it would look as though it had not been disturbed.

The eight Klansmen got into Barnette's car and the civil rights workers' station wagon for the short ride down highway 21 to Burrage's trucking garage. There the men replaced the license plates on Barnette's car, which had been removed earlier in Meridian, and Jordan was given all the gloves the men had worn and told to dispose of them. Tucker took a glass gallon jug and filled it with gasoline from one of Burrage's pumps, to use in setting fire to the station wagon. (p. 361)

Chaney, Goodman, Schwerner will be remembered in the State of Mississippi's history as extraordinary individuals doing whatever it took to end racial segregation and win social justice not only in the State of Mississippi but across this country. The story of Olen Burrage is one of many in Mississippi's plagued past. The State's insistence on justice signals a new day not only for the State of Mississippi, but also for the families of Chaney, Goodman, and Schwerner.

BOSTON GLOBE SERIES ON FIRE FIGHTER STAFFING ISSUES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. MARKEY. Mr. Speaker, today I am inserting in the CONGRESSIONAL RECORD, excerpts from an excellent series on fire safety by Bill Dedman that ran in the Boston Globe on January 30 and 31, 2005. The series investigates the overwhelming problem of shrinking resources in local fire departments and the resulting threats to public and fire fighter safety. I urge my colleagues to read the entire series on line at: http://www.boston.com/news/specials/fires/.

Mr. Dedman conducted what may be the most thorough analysis of the many threats to public safety resulting from understaffed fire houses, tight municipal budgets and ever growing responsibilities. Just this month my staff met with mayors of towns and communities in my congressional district in Massachusetts who are concerned that the fire fighter staffing problems are reaching crisis levels. Since September 2001, Massachusetts has lost 800 paid fire fighters by layoffs and attrition. We have too few fire fighters who are too thinly spread. And the work has essentially doubled.

According to the National Fire Protection Administration, it is critical for fire fighters to arrive at a fire within 6 minutes. But that is not happening. The Globe series revealed that nationwide only 35 percent of fire departments were able to reach 90 percent of building fires in that time. Why? As the chiefs say, ''more work, fewer people.''

I would like to share the following excerpts from the Globe with my colleagues:

. . . Lisa Collum was breast-feeding her baby, and her 3-year-old was getting ready for a playdate, when the fire started in the apartment downstairs . . . The firehouse a few blocks away was empty. Only three firefighters were on duty to cover all 33 square miles of this seaside town, and they were busy with two ambulance calls on this January evening in 2001. One firefighter drove back for the fire engine, then hurried into the chaos at the Collums' home . . . It was standing room only at the funeral . . .

. . . Once a day on average in this country, someone dies when firefighters arrive too late, an investigation of fire response times by the Globe has found. America's fire departments are giving fires a longer headstart, arriving later each year, especially in the suburbs around Boston, Atlanta and other cities, where growth is brisk but fire staffing has been cut . . .

. . . In Massachusetts, people waited 10 minutes or more for firefighters to arrive at 214 building fires in 2002, the last year for which data is available. Since 1990, there have been 2,786 such fires, including blazes at jails, mental hospitals, apartment buildings, shopping malls and private homes.

. . . The fire department budgets are not growing to keep up, but shrinking. As a share of all municipal budgets across the country, fire spending has slipped, from 6.1 percent in fiscal 1987 to 5.7 percent in fiscal 2003, the Globe calculated from the US Census Bureau's survey of governments . . .

Small-town departments are increasingly undertaking aggressive interior assaults on fires. Some of these smaller fire departments do not have the training, equipment, and backup personnel to safely accomplish these dangerous tactics,'' warned a 1998 report by the National Institute for Occupational Safety and Health . . . After the Worcester fire that killed six firefighters in 1999, federal investigators warned of the need to have a rested crew standing by with safety equipment. But fire chiefs in the Boston suburbs say such a team is usually assembled only after the fire is nearly out.

Mr. Speaker, I urge my colleagues to visit the web and read this series more closely. We owe it to the public and to our brave fire fighters whose lives are on the line every day.

EXPRESSING THE NEED FOR ACCOUNTABILITY IN IRAQ AND COMMEMORATING SGT SHERWOOD BAKER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to share with you and my esteemed colleagues in the House of Representatives an op-ed piece written by the brother of one of my constituents who was killed in Iraq. SGT Sherwood Baker of Plymouth, Pennsylvania, served as a member of the Second Battalion, 103rd Armor of the Pennsylvania Army National Guard.

Sergeant Baker was only 30 years old when he died in a warehouse explosion in Baghdad on April 26, 2004, where he was searching for weapons of mass destruction. Sergeant Baker made the ultimate sacrifice while serving his country, searching for weapons our government now concedes cannot be found and most likely did not exist.

Dante Zappala writes with the pain of one who has lost a loved one; more than 1,400 other families are grieving for the loss of their loved ones who died in the service of our country. Dante's heartfelt plea for accountability should resonate among all Americans, especially those of us in Congress who authorized President Bush to lead our Nation into war.

The Bush Administration convinced me that Iraq posed an ''imminent threat'' to the national security of the United States. I now believe that it was never a threat. Until I have a full understanding of what caused us to be so wrong, I doubt that this Administration can convince me again that they are right in their decisions based on their analysis of intelligence.

Dante is right: We are all accountable. Now that the contentious election of 2004 is behind us and President Bush has been inaugurated to a second term, I hope that we can acknowledge the mistakes we made that led us to war, learn from those mistakes, and avoid making them in the future. Our Nation's security depends on it.

Mr. Speaker, Congress must play a stronger role in holding this Administration accountable for the innocent lives that have been sacrificed.

I submit the following for entry into the CONGRESSIONAL RECORD:

WHY MY BROTHER DIED

(By Dante Zappala)

This week, the White House announced, with little fanfare, that the two-year search for weapons of mass destruction in Iraq had finally ended, and it acknowledged that no such weapons existed there at the time of the U.S. invasion in 2003.

For many, this may be a story of only passing interest. But for me and my family, it resonates with profound depth.

My brother was Sgt. Sherwood Baker. He was a member of the Pennsylvania National Guard deployed a year ago with his unit out of Wilkes-Barre. He said goodbye to his wife and his 9-year-old son, boarded a bus and went to Ft. Dix, N.J., to be hastily retrained. His seven years of Guard training as a forward observer was practically worthless because he would not face combat. All he needed to do was learn how to not die.

He received a crash course in convoy security, including practice in running over cardboard cutouts of children. We bought him a GPS unit and walkie-talkies because he wasn't supplied with them. In Iraq, Sherwood was assigned to the Iraq Survey Group and joined the search for weapons of mass destruction.

David Kay, who led the group until January 2004, had already stated that they did not exist. Former United Nations weapons inspector Hans Blix had expressed serious doubts about their presence during prewar inspections. In fact, a cadre of former U.N. inspectors and U.S. generals had been saying for years that Iraq posed no threat to our country. On April 26, 2004, the Iraq Survey Group, at the behest of the stubborn administration sitting safely in office buildings in Washington, was still on its fruitless but dangerous search. My brother stood atop his Humvee, securing the perimeter in front of a suspect building in Baghdad. But as soldiers entered the building, it exploded; the official cause is still not known. Sherwood was struck by debris in the back of his head and neck, and he was killed.

Since that day, my family and I have lived with the grief of losing a loved one. We have struggled to explain his death to his son. We have gazed at the shards of life scattered at our feet, in wonder of its fragility, in perpetual catharsis with God.

I have moved from frustration to disappointment to anger. And now I have arrived at a place not of understanding but of hope—blind hope that this will change.

The Iraq Survey Group's final report, which was filed in October but revealed only on Wednesday, confirmed what we knew all along. And as my mother cried in the kitchen, the nation barely blinked.

I am left now with a single word seared into my consciousness: accountability. The chance to hold our administration's feet to that flame has passed. But what of our citizenry? We are the ones who truly failed. We shut down our ability to think critically, to listen, to converse and to act. We are to blame.

Even with every prewar assumption having been proved false, today more than 130,000 U.S. soldiers are trying to stay alive in a foreign desert with no clear mission at hand.

At home, the sidelines are overcrowded with patriots. These Americans cower from the fight they instigated in Iraq. In a time of war and record budget deficits, many are loath to even pay their taxes. In the end, however, it is not their family members who are at risk, and they do not sit up at night pleading with fate to spare them.

Change is vital. We must remind ourselves that the war with Iraq was not a mistake but rather a flagrant abuse of power by our leaders—and a case of shameful negligence by the rest of us for letting it happen. The consequence is more than a quagmire. The consequence is the death of our national treasure—our soldiers.

We are all accountable. We all share the responsibility of what has been destroyed in our name. Let us begin to right the wrongs we have done to our country by accepting that responsibility.

TRIBUTE TO OSSIE DAVIS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to honor a distinguished actor, director, producer, screenwriter, playwright and historian. Ossie Davis was an incredible man whose life's work, both on and off screen, promoted the advancement of civil rights and humanitarian causes.

Mr. Davis' most important role may well have been as husband. He and his wife, also a prominent actor, Ruby Dee, celebrated 50 years of marriage together in 1998. Both were among those selected to receive Kennedy Center Honors in 2004.

The pair met during Davis' Broadway debut in the play Jeb Turner. Both promoted the cause of blacks in the entertainment industry and are well known for their portrayals of characters faced with racial injustice.

My thoughts and prayers are with Ms. Dee, for her loss is truly a loss for us all.

TRIBUTE TO THE HEROIC MEN AND WOMEN OF THE 415TH CIVIL AFFAIRS BATTALION OF THE U.S. ARMY RESERVE

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to the heroic men and women of the 415th Civil Affairs Battalion of the U.S. Army Reserve who have recently returned home after serving their country in Iraq. The sacrifices that these heroes made to protect and secure our country will never be forgotten and we are forever in their debt.

The 415th Civil Affairs Battalion is based out of Kalamazoo, Michigan with soldiers coming from throughout the Midwest. Over the last 7 years this battalion has been deployed five times, and is considered to be one of the most deployed battalions in the active or reserve of the Army. During their time in Iraq these selfless individuals rebuilt schools, worked with the creation of water treatment plants and Iraqi hospitals.

I would also like to extend my deepest sympathy for the loss of two of their comrades, SPC Nichole Frye and CPT Paul Cassidy. They will always remain in our memories and their families will be in our thoughts and prayers.

With our forces fighting overseas today, we are vividly reminded of the debt of gratitude we owe our men and women in uniform who serve our country. The 415th Civil Affairs Battalion is a glowing example of the greatness of our forces and on behalf of the Sixth District of Michigan; I would like to extend my thanks and appreciation for their service.

VETERANS BENEFITS CUTS AND BUDGET PROPOSAL

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. RAHALL. Mr. Speaker, is nothing sacred in this Administration's budget? At a time when our greatest generation is relying more and more on the VA to provide health services and our newest veterans are returning from Iraq and Afghanistan, the White House is proposing to slash their benefits and force them to pay ever increasing premiums. What happened to keeping promises to our nation's veterans?

With the constantly rising cost of health care, the proposed funding falls well short of what is needed for our veterans. These veterans paid their service to our Nation and they earned a lifetime of health care coverage—we promised it to them. Now, as the President wants to spend trillions of dollars to privatize Social Security, he also wants to break that promise and make veterans pay for their healthcare again!

The absurdity of this would be laughable if it weren't such a serious and disturbing proposal.

Thomas P. Cadmus, the National Commander of the American Legion sees and understands the absurdity of this as well. He said, and I quote:

"It is incomprehensible that our veterans will pay for the shortfall in VA health-care funding from their own pockets as tax dollars flow out the back door of America."

And these tax dollars aren't just flowing out the back door of America in additional foreign aid funding, they are also flowing out the front door in the form of tax cuts for the wealthiest one percent of our Nation.

We have the money to keep our promise to our veterans and I urge the White House to reevaluate the budget and make the changes needed to reinforce the promise to our veterans.

I am also enclosing a press release from The American Legion which I submit for the RECORD to accompany my remarks.

LEGION LEADER SAYS PROPOSED BUDGET REACHES DEEP INTO VETERANS' POCKETS

WASHINGTON, February 7, 2005.—The leader of the nation's largest military veterans organization reacted strongly to the effects that President Bush's budget plan will have on veterans. He called it a smoke screen to raise revenue at the expense of veterans.

"This is not acceptable," said Thomas P. Cadmus, national commander of the 2.7 million-member American Legion. "It's nothing more than a health care tax designed to increase revenue at the expense of veterans who served their country."

Cadmus was referring to the portion of the proposed budget that would double the co-payment charge to many veterans for prescription drugs and would require some to pay a new fee of $250 a year to use their own their own health care system.

''Is the goal of these legislative initiatives to drive those veterans paying for their health care away from the system designed to serve veterans?'' Cadmus asked. ''The President is asking Congress to make 'health care poaching' legal in the world's largest health care delivery system.''

''When the President first came to Washington, among his first official acts was to triple the prescription co-payment from $2 to $7,'' Cadmus said. ''Once again, the President wants to double the co-payment and fortunately, Congress has wisely rejected that proposal. Making veterans pay for timely access to quality health care is wrong.''

This is the third year in a row the President has attempted to establish an enrollment fee for those veterans making co-payments and third-party reimbursements to the VA.

''Many of these veterans are Medicare-eligible and already paying the federal government for their part A and B coverage, so why should they have to pay an additional enrollment fee? VA can't even bill Medicare,'' Cadmus said. ''Other veterans with private health insurance make co-payments and then VA is reimbursed for services. Again, why should they be forced to pay an additional $250 to go to VA medical facilities?''

''During my visits to VA hospitals, I have not run into Bill Gates, Donald Trump, or Ross Perot seeking care. I see mostly veterans—many on small fixed incomes—trying to make ends meet and exercising their very best health care option.'' Cadmus observed.

''Veterans' health care is an ongoing expense of war,'' he added. ''You don't thank veterans for serving their country and then tell them, 'By the way, better not get wounded or you'll have to pay extra for your health care.' This is offensive to every veteran in America. That is why this government must move VA health care out from under the umbrella of discretionary spending to mandatory spending,'' Cadmus stressed.

The American Legion has requested a $3.5 billion increase in health care spending in FY 2006. The President is proposing $9.5 billion in foreign aid, about $2.1 billion more than the current level.

''As young Americans in uniform battle terrorism in Iraq and Afghanistan, as well as 119 other countries, it is incomprehensible that our veterans will pay for the shortfall in VA health care funding from their own pockets as tax dollars flow out the back door of America,'' Cadmus said.

''We reminded the President of our position on veterans' health care needs during his campaign and I personally testified on the issue on Capitol Hill last September,'' Cadmus added. ''Our budget request is very realistic when you consider the Secretary has slammed the door in the face of hundreds of thousands of veterans eligible, but currently forbidden from seeking quality care from VA.''

''The current appropriations process is broken and is not adequately funding VA medical care,'' Cadmus said. ''President George W. Bush's Task Force to Improve Health Care Delivery for Our Nation's Veterans on May 26, 2003, identified the mismatch between demand and funding as a major obstacle in meeting the nation's commitment to veterans. The American Legion and nine other veterans' organizations believe the answer lies in changing VA health care funding from discretionary to mandatory appropriation.''

''No active-duty service member in harm's way should ever have to question the nation's commitment to veterans. This is the wrong message at the wrong time to the wrong constituency.

OPPOSITION TO AN ANTI-SECESSION LAW PROPOSED BY THE PEOPLE'S REPUBLIC OF CHINA

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. KING of New York. Mr. Speaker, today I rise in strong opposition to an Anti-Secession Law that is being proposed by the People's Republic of China. While some positive developments in cross-strait relations between China and Taiwan have occurred recently, the consideration of an Anti-Secession Law by Beijing threatens to disrupt the status-quo. Recently, an agreement was reached by both governments to allow historic non-stop charter flights between the People's Republic of China and Taiwan during February's Lunar New Year holiday. And the arrival on February 1 of a delegation from China to pay their respects to the late negotiator Koo Chen-fu, former Chairman of the Straits Exchange Foundation, has been a welcome development as well. Unfortunately, China's National People's Congress Standing Committee is considering a bill that is expected to set up a legal framework to provide for the incorporation of Taiwan by China. This legislation, however, could be interpreted to legally require Beijing to move unilaterally against Taiwan in the event Beijing construed any acts or statements by Taipei as a move toward independence.

I have deep reservations about an Anti-Secession Law. Beijing until now has considered Taiwan to be a part of China but has refrained from attempting to legally extend its sovereignty over it. While this position leaves some flexibility for negotiations on unification, I fear that the enactment of this new measure will restrict the debate. In addition, there would also be great uncertainty among the thousands of Taiwanese who work on the mainland. Would Taiwanese businessmen in China run the risk of being jailed for actions interpreted as being supportive of Taiwanese authorities? Reactions from Taiwan to the proposed law have been universally negative among all of Taiwan's political parties and leaders. At a time when the differences between Beijing and Taipei can best be resolved through dialogue, the enactment of this legislation would make the resumption of these negotiations more difficult and inevitably increase tensions in the Taiwan Strait.

Both the People's Republic of China and Taiwan have a vital interest in maintaining peace in the region. My hope is that China will not enact an Anti-Secession Law or take any step, for that matter, which might prompt a confrontation in the Taiwan Strait.

PROMOTING HEART HEALTH

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. HIGGINS. Mr. Speaker, heart disease is the leading cause of death for all Americans—more than 70 million Americans, one in four, suffers from heart disease, stroke or another cardiovascular disease. For women, heart disease is responsible for more deaths than the next seven causes of death combined, including all forms of cancer. And shockingly, only 8 percent of women think that heart disease is a major personal concern.

Mr. Speaker, I rise today to help get the message out, to call attention to heart health and to encourage men and women to learn about the signs and causes of cardiovascular disease. This past Friday, the American Heart Association sponsored ''Go Red for Women'' day to raise awareness and help women take back control of their personal health. Women in particular must educate themselves to know the risk factors they can control: diabetes, blood pressure, tobacco use, cholesterol, exercise and obesity. One in ten American women aged 45 to 64 and one in four American women aged 64 or older has some form of heart disease. Those numbers are way too high.

As the family gatekeeper, women do more than just improve their own health—they can put children and families on the path to a lifetime of good heart health. Childhood obesity and diabetes are pandemic in the U.S.—it's a trend we must stop by making sure our families are eating healthy and getting physical activity. These simple but important steps will mean a great deal to the future health of our families and our nation.

Mr. Speaker, I know you will join me in encouraging all Americans to contact the American Heart Association to find out the information that can save their lives.

TRIBUTE TO HELEN MAYHAK

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Helen Mayhak who regretfully passed away recently at the age of 91. A dedicated and selfless woman, Helen's charity and work throughout the community made Southwest Michigan an even greater place to live and grow.

For the last 40 years Helen served the Hartford community as township clerk, making her one of Michigan's longest-tenured officials. A lifelong resident of Berrien County, Helen was an active member in her community. Whether she was serving hot lunches to students in our public schools, working with the Boy Scouts of America, or assisting in our local hospitals, Helen did her part to improve the lives of everyone she encountered. As a member of the Van Buren Republican Party, she was honored as the Van Buren Republican of the Year.

Helen will be remembered for her commitment to the betterment of the lives of those she served. We will certainly miss her enthusiasm and passion that she brought to her work each and every day.

On behalf of the Sixth District of Michigan, our prayers and sincere regards go out to Helen's family and friends—she will certainly be deeply missed.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I received Unanimous Consent for an excused absence for February 1, 2005 and the balance of the week on account of family medical reasons, I witnessed the birth of my first grandchild Lauren Elissa Hewlett and I ask Unanimous Consent to include this personal explanation in the RECORD.

On February 1, 2005, I was unable to be present for Rollcall votes #14 and #15, and on February 2, 2005, I was unable to be present for Rollcall votes #16, #17, #18, and #19.

On Rollcall vote #14, a Motion to Suspend the Rules and Agree to H. Res. 23 ''Honoring the contributions of Catholic schools,'' I would have voted ''Yea.''

On Rollcall vote #15, a Motion to Suspend the Rules and Pass H.R. 120, ''To designate the facility of the United States Postal Service located at 30777 Rancho California Road at Temecula, California, as the Dalip Singh Saund Post Office Building,'' I would have voted ''Yea.''

On Rollcall vote #16, agreeing to the Resolution H. Con. Res. 36, ''Expressing the continued support of Congress for equal access of military recruiters to institutions of higher education,'' I would have voted ''Yea.''

On Rollcall vote #17, a Motion to Suspend the Rules and Agree to H. Res. 56, ''Commending the Palestinian people for conducting a free and fair presidential election on January 9, 2005, and for other purposes,'' I would have voted ''Yea.''

On Rollcall vote #18, a Motion to Suspend the Rules and Agree to H. Res. 57, ''Expressing the strong concern of the House of Representatives that the European Union may end its embargo against the Peoples Republic of China,'' I would have voted ''Yea.''

On Rollcall vote #19, agreeing to the Resolution H. Res. 60, ''Relating to the free election in Iraq held on January 30, 2005,'' I would have voted ''Yea.''

THE PRESIDENT'S BUDGET

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. LANGEVIN. Mr. Speaker, the President's budget is a blueprint of his priorities. A way of showing what direction he wants to move the country. Based on the last four years, it is no surprise that the President's budget is more of the same: continued tax cuts for the wealthy paid for by slashing programs that Americans depend on.

While the President has urged a return to fiscal discipline, he has been more of a culprit than a savior. This year's budget continues to move in the wrong direction, and the FY 2006 deficit will likely be the largest in history. The President's projected deficit is not even a credible accounting, as the budget completely omits the President's own plans for tax cuts, Social Security privatization, and fighting the wars in Afghanistan and Iraq. These programs alone will cost trillions of dollars over the next decade.

The President says spending cuts are necessary to keep the deficit from increasing even more. This is only half accurate. Without the tax cuts enacted since 2001, our nation's fiscal health would be much rosier, and the President would not be asking the neediest and most vulnerable Americans to sacrifice.

With control of the White House and both Houses of Congress, this blueprint shows America the real Republican agenda. They want to cut Medicaid by $60 billion over ten years and put more of the burden on states and the 45 million Americans who do not have health insurance. They want to eliminate 48 education programs that provide assistance with vocational education, education technology, and civic education. And they want us to fall $12 billion further behind in our commitments under No Child Left Behind, handing an unfunded mandate to states and short-changing our teachers and students.

While the Department of Homeland Security receives ark overall increase in funding, the President proposes cutting FIRE grants by 30 percent and first responder funding by 10 percent, in addition to a 42 percent cut for the hugely successful COPS program. How does this budget make us safer?

Perhaps most egregiously during this time of war, the President wants to impose new fees and increase copayments for veterans' health care, adding an undue burden to those who have served their country so honorably.

I urge my colleagues to join me in returning fiscal responsibility to the budgetary process and creating a realistic blueprint that meets the needs of the American people, not just the President's wealthiest supporters.

HONORING JOE F. COLVIN ON THE OCCASION OF HIS RETIREMENT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. BARTON of Texas. Mr. Speaker, I would like to take this opportunity to recognize Joe F. Colvin, who is retiring as president and chief executive officer of the Nuclear Energy Institute (NEI). Over his long and distinguished career, Mr. Colvin has played a key role in ensuring that America will continue to enjoy the benefits of nuclear energy.

Mr. Colvin began his career more than 40 years ago as a submarine officer in the U.S. Navy. After leaving the Navy, he held many different leadership positions in the nuclear energy industry.

Over the past nine years as head of NEI, Mr. Colvin has led the industry through a period of extraordinary change. When he began, the future of nuclear energy was by no means certain as many expected that most of America's reactors would close.

Recent events have proven dramatically different. Today, our country's 103 reactors are essential to the stability of our electricity supply and our clean air. Instead of closing, reactors are renewing their licenses and extending their operation. Now, several companies have begun to explore possibilities for licensing new nuclear power plants in the United States. This transformation is a testament to Mr. Colvin's vision and diligence.

Mr. Colvin has testified numerous times before the Committee on Energy and Commerce and other congressional committees, and has represented his industry well. In doing so, he has guided important policy initiatives, advanced numerous regulatory and legislative issues and cultivated a favorable investor climate for the industry that NEI represents.

Mr. Colvin's dedication and commitment to the industry he served will be missed, as will his enthusiasm and good nature. He will be missed also by his many friends in Congress. Hence, I extend to him best wishes for his retirement, and on behalf of the House of Representatives, thank him for his contributions.

DR. H.D. ''DAVE'' LUCK, A MAN OF HONOR

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to the life and legacy of Dr. H.D. ''Dave'' Luck, a statesman, a leader, a veteran, and a true gentleman who passed away on January 3, 2005 in Arkansas at the age of 79. Dr. Luck was a man who, in deed and action, distinguished himself as someone who set forth to make Arkansas a better place to live as a champion for civil rights and higher education.

Born in 1925 in New York City, Dr. Luck graduated from Bates College in Maine in 1945, and earned his M.D. degree from Case Western Reserve University School of Medicine in Cleveland. After doing post graduate work in medical education at the United States Naval School of Aviation Medicine in Florida, and at University Hospital in Little Rock, Dr. Luck eventually settled in Arkadelphia where he founded the Arkadelphia Medical Clinic in 1979.

Dr. Luck began a life of public service in Arkadelphia, where he served as President of General Industries Corporation from 1962 until 1968, the Arkadelphia Chamber of Commerce, and the Arkadelphia Kiwanis Club. He was awarded the Junior Chamber of Commerce Distinguished Award in 1963.

Dr. Luck continued an inspiring career of public service on the state as Chair of the Democratic Party. In 1964, he chaired the Committee for Voter Registration. Dr. Luck's

passion was Civil Rights; he chaired the coalition that successfully created a constitutional amendment which abolished the poll tax and set up a system of permanent voter registration. In 1965, President Johnson appointed him to the White House Conference on Civil Rights. Like many reformers before him, Dr. Luck was driven by a cause that was met with adversity. He met each challenge and cause with fervor that mystifies and inspires us to public service.

In addition to Civil Rights, Dr. Luck was committed to improving Arkansas higher education. He served as Trustee of Henderson State University in Arkadelphia from 1970 until 1982. He was appointed to the Arkansas State Board of Higher Education by Governor Bill Clinton, serving from 1988 until 1994.

His service went far beyond civilian life; Dr. Luck served in the U.S. Navy V–12 program during World War II. He also served as a Naval Medical Officer during the Korean War from 1950 to 1953.

Arkansas will be forever grateful that such a visionary leader came along, at the time he did, to lead us into a new era. I hope that you are as inspired as I have been by Dr. Luck's relentless determination to fight for such important causes. While Dr. Luck is no longer with us, his legacy lives on by the way he improved the quality of life for all Arkansans.

INTELLIGENCE OVERSIGHT RESPONSIBILITIES

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. HYDE. Mr. Speaker, now that Congress has passed landmark legislation that will help reform our intelligence community, I believe we must now take a closer look at streamlining congressional oversight of that community. Therefore, I am pleased to share with my colleagues a recent opinion piece, which explores some of the reform options available to us.

The op-ed, entitled "Joint Intelligence Committee Overdue" was published on Dec. 3, 2004, in the News-Leader—Florida's oldest weekly newspaper. It was authored by Mr. Thomas Smeeton, who is the former U.S. House Minority Staff Director of the Iran/Contra Committee and Minority Counsel of the U.S. House Intelligence Committee. Mr. Smeeton also served as a CIA officer. I hope my colleagues will find the op-ed interesting and beneficial:

JOINT INTELLIGENCE COMMITTEE OVERDUE

The collapse of Congressional efforts to reform the intelligence community dominated the news just before Thanksgiving. The proposed legislation embodied many of the major recommendations of the 9/11 Commission for fixing the executive branch's intelligence problems. Largely overlooked in this reform debate is Congress' failure, so far, to do enough to address its own problems. Yet the 9/11 panel noted that "of all of our recommendations, strengthening Congressional oversight may be the most difficult and important." The commission also pointed out that, "Congressional oversight for intelligence and counterterrorism is now dysfunctional."

The main reason this critically important congressional responsibility is malfunctioning is because it is spread amongst too many committees. That is why the 9/11 Commission urged Congress to replace the current fragmented oversight arrangement with either a House-Senate joint committee or single panels in each congressional body with exclusive oversight and legislative power.

Consolidation along these lines would drastically reduce the time high level intelligence community officials spend on Capitol Hill repeating over and over again the same briefings and testimonies to the various committees now exercising jurisdiction over intelligence activities. Redundant congressional demands are becoming so time consuming that it is increasingly difficult for these senior officials to discharge their primary duties of attending to the many security issues confronting this nation.

The need to reform Congress' oversight of the intelligence community has been recognized by some members of Congress for years. Henry Hyde, currently chairman of the International Relations Committee in the House of Representatives, proposed legislation to create a Joint Intelligence Committee in 1984. He spelled out what he had in mind in numerous forums, including op-ed pieces that appeared in major newspapers. Nearly 17 years ago, Hyde's idea was the top recommendation of the Republican members of the Iran/Contra Committee. Among those endorsing the Hyde initiative were Dick Cheney, Mike DeWine and Orrin Hatch, who served with Hyde on the Iran-Contra Joint Committee. All of these political figures remain major players in Washington.

The reluctance of Congress to get its own house in order is politically understandable. A Joint Intelligence Committee would require a number of committees and their powerful chairmen to sacrifice their jurisdictions over intelligence matters. But given what is at stake, it is time to subordinate such parochial concerns to the national interest.

To really be effective, a Joint Intelligence Committee must have both oversight and legislative authority. Otherwise, those committees with an interest in intelligence issues will try to recapture their lost purviews. Historically, those committees have been Armed Services, Judiciary, Appropriations and Foreign/International Relations. To mollify these traditional bailiwicks, membership on the joint committee should include representatives from each of these committees. The panel must be small to ensure secrecy and promote individual responsibility and accountability. To encourage bipartisanship, neither political party should have more than a one-vote edge. The committee staff should be composed of apolitical professionals.

In summary, the time has come to think outside of the box and adopt radical congressional reforms to meet national security challenges in the post 9/11 world. The 9/11 Commission put it best when it warned that "the other reforms we have suggested—for a national counter-terrorism center and national intelligence director—will not work if congressional oversight does not change too. Unity of effort in executive management can be lost if it is fractured by congressional oversight."

INTRODUCTION OF THE "OMNIBUS NONPROLIFERATION AND ANTI-NUCLEAR TERRORISM ACT OF 2005"

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. SCHIFF. Mr. Speaker, early on the morning of October 11, 2001, as lower Manhattan still lay smoldering, President Bush was told by George Tenet, the Director of Central Intelligence, that a CIA agent was reporting that al Qaeda terrorists armed with a stolen Russian nuclear weapon were loose in New York City.

The threat was not made public for fear it would cause mass panic, but senior U.S. Government officials were evacuated, including Vice President CHENEY, to a series of undisclosed locations away from the capital. Nuclear Emergency Search Teams were dispatched to New York to look for the weapon, reportedly a 10 kiloton warhead that could have killed at least 100,000 people if it were detonated in Manhattan.

Thankfully, the CIA report turned out to be untrue, but the danger we face from nuclear terrorism is all too real. Osama bin Laden has termed the acquisition of weapons of mass destruction "a religious duty," while his press spokesman has announced that al Qaeda aspires to kill 4 million Americans, including 1 million children.

President Bush has deemed a nuclear terrorist attack on the United States the number one national security threat facing this country. In a valedictory interview with the Associated Press, Attorney General John Ashcroft also singled out the danger to America posed by terrorists armed with nuclear weapons.

We agree with the President and the Attorney General, and we share the conviction of almost every expert in and out of government who has looked at this problem: If we do not act now to secure existing nuclear material and weapons, as well as the expertise needed to build them, a nuclear terrorist attack on the United States is only a matter of time.

We have consulted with a range of experts to produce a comprehensive set of policies that we believe will be effective in enabling the United States to prevent what Graham Allison of Harvard University has termed "the ultimate preventable catastrophe."

Today, my colleague, Mr. SHAYS and I, are introducing the "Omnibus Nonproliferation and Anti-Nuclear Terrorism Act of 2005" which lays out a comprehensive plan to overhaul our nonproliferation program.

As with America's intelligence programs, nonproliferation and disarmament programs are spread across the United States government. Thus, the centerpiece of our proposal, is the creation of an Office of Nonproliferation Programs within the Executive Office of the President to coordinate and oversee America's efforts to prevent terrorists from gaining access to nuclear weapons and to manage the effort to secure existing nuclear material in the former Soviet Union and other places.

We need to modernize the Cooperative Threat Reduction program, created by Senator

RICHARD LUGAR and Former Senator Sam Nunn, by giving more flexibility to the President to carry out nonproliferation projects outside the former Soviet Union and by reducing red tape.

The most vulnerable nuclear sites around the world must be secure. Our bill enhances the Global Threat Reduction Initiative announced last year by former Secretary of Energy Spencer Abraham.

We also propose a number of multilateral and bilateral efforts to secure nuclear material. In order to prevent another A.Q. Kahn ''nuclear supermarket,'' we urge the President to expand and strengthen his Proliferation Security Initiative to interdict the shipment of nuclear material. We also recommend that the President work with the international community to develop and implement standards to improve the security of nuclear weapons and materials and to explore ways to strengthen the Nuclear Non-Proliferation Treaty.

We must address the vulnerability to theft of the Russian tactical nuclear arsenal, and our legislation authorizes the Department of Energy to assist Russia in conducting a comprehensive inventory of its tactical weapons.

The President's authority to fund non-defense research by Russian WMD scientists must be expanded so these scientists would not be tempted to sell their secrets to North Korea, Iran or al Qaeda.

As the nation grappled with the attacks of September 11, we repeatedly asked ourselves how we could have failed to foresee the danger posed by al Qaeda and taken steps to prevent 9/11. We know about the danger of nuclear terrorism; we have been warned repeatedly. We are in a race with terrorists who are actively seeking nuclear weapons. The choice is ours. We can continue doing what we are doing now and risk an almost inevitable nuclear attack or we can take action to prevent it. When one considers the consequences, the choice is really no choice at all.

HONORING THE LIFE AND LEGACY OF OSSIE DAVIS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor the great life and legacy of Ossie Davis, a leader, innovator, and inspiration to us all.

Ossie Davis was the older of five children born in the small town of Cogdell, Georgia in 1917, but mainly grew up in nearby Waycross and Valdosta, Georgia. In 1935 he left home, hitchhiking to Washington, DC, where he entered Howard University as a student of Drama. At the time he had plans of becoming a playwright and expressing his artistic ability on stage. In 1939 his career as an actor began with the Rose McClendon Players in Harlem where he developed for 3 years and gained his first professional acting debut in 1941 performing in ''Joy Exceeding Glory''. During World War II, Mr. Davis spent close to 4 years serving his country as a surgical technician in an Army hospital in Liberia, tending to wounded troops and the people of the country.

After the war in 1946 and back in New York, Mr. Davis debuted on Broadway in ''Jeb'' a fitting story about a soldier returning home from the war. His co-star in this love story was a well known actress Ruby Dee. In December of 1948, the couple jumped on a bus to New Jersey and got married on a day off from rehearsal. Since meeting on the 1946 Broadway production, Ossie Davis and Ruby Dee have stood out as a collaborative beacon of light leading generations of African Americans to follow in their footsteps in the field of fine arts and at the same time standing in the foreground of social consciousness.

The era of the Cold War brought with it feelings of uncertainty concerning political ideas and racial issues. During this period of social upheaval, Mr. Davis and others as Black performers found themselves under a watchful eye with McCarthyism on the rise. While the Cold War was in full swing, Mr. Davis stood by, most notably, Paul Robeson, a fellow actor and singer who was a well known communist sympathizer. Mr. Davis stood by his side like a true friend when others severed ties to Robeson, and along with his wife Ruby Dee, they resisted the ever growing threat of McCarthyism. Davis was remembered to have said, ''We young ones in the theater, trying to fathom even as we followed, were pulled this way and that by the swirling currents of these new dimensions of the struggle.''

Mr. Davis was also a leading activist in the Civil Rights era of the 1960's. He stood side by side with Martin Luther King Jr. in the movement for freedom, equality and unity within our Nation for all. As close friends of the Reverend Dr. King, Ossie and Ruby Dee served as Masters of ceremonies for the historic 1963 March on Washington. As a strong advocate of the African American identity, Mr. Davis stood by the stimulating words, moving persona, and in his words, ''The manifestation of Black manhood'' that was Malcolm X. He full heartedly felt Malcolm's message of determination, self Love, and Knowledge of self.

When Malcolm X and Dr. Martin Luther King passed away Mr. Davis eulogized them both at their funerals. Many believed Mr. Davis would lose his career as an actor for delivering an eulogy for Brother Malcolm X, an enormously controversial figure in American History. The courage of Mr. Davis to brave the fire for his allegiance to Brother Malcolm X displays his sensitivity to issues affecting the hearts and minds of the African Americans, and the strong foundation of his heritage that was rooted in his soul.

His efforts as a Civil Rights leader, activist and vanguard as an actor in Black Hollywood are a testament to his views on equality and freedom. Mr. Davis was also a firm believer of self love and righteousness within the Black community. His choice of acting roles and his written works reflect these ideas in a clear and unmistakable manner. Mr. Davis used his charisma and sheer talent on and off camera to explore and unfold the complex issues which affect our society and are most often swept under the rug. As a socially conscious actor, he could not sit back while such complex issuers go unnoticed, making himself a part of such classical projects as Do the Right Thing, Jungle Fever, Malcolm X and most recently She Hate Me, all projects of writer, actor, director Spike Lee.

Before his untimely death, Ossie Davis began to give back to the community in a number of different fashions. He did not simply throw money at a problem, but took a more nurturing hand on approach to his philanthropy efforts. In 2004 Mr. Davis returned home to his Alma Mater, The Mecca-Howard University where he became a visiting professor in the John H. Johnson School of Communications. Additionally, he served as the orator for Howard's 2004 Charter Day where he also received a special citation of achievement.

In his community service Mr. Davis was also an advocate for issues affecting young Black males. In 2004 Mr. Davis and his wife Ruby Dee were the luncheon speakers and kicked off the State of the African American Male (SAAM) Conference which I hosted. Mr. Davis stated that it was his personal mission to reverse the trends affecting our young black males, such as drug addiction, high drop out rates and criminal issues.

Ossie Davis will forever live in our hearts and minds through his countless efforts to the community, his effortless talents on and off camera, and as a loving father and husband. He will also be recognized on the world stage as a pioneer of the Civil Rights movement, fighting for justice, equality and what he knew was right during a time of social uncertainty. Ossie Davis knew as a person not afraid to think outside the box that the issues facing this country were bigger than you or I and no one person could lead this country to the promised land. He felt a collective effort of change was needed and is quoted as saying. ''It's not the man, it's the plan.''