HOUSE OF REPRESENTATIVES—Thursday, February 17, 2005

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 17, 2005.

I hereby appoint the Honorable SHELLY MOORE CAPITO to act as Speaker pro tempore on this day.

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

PRAYER

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

The following is an adaptation to what is sometimes referred to as George Washington's prayer for this country:

''I now make this my earnest prayer: that God would have you and the State over which you preside in His holy protection; that He would incline the hearts of citizens to cultivate a spirit of respect and obedience for government, and develop a strong affection and love for one another as fellow citizens of the United States, especially for those who serve in our military; and finally that He would graciously dispose all of us to do justice, to love mercy and conduct ourselves with that charity, humility and peaceful disposition which are characteristic of Divine Authorship. Without such virtues, we can never hope to be a happy Nation.''

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. DEFAZIO led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. 384. An act to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minutes from each side.

STEM CELL RESEARCH

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

Mr. PITTS. Madam Speaker, there is no ban or gag on stem cell research. In fact, more than 15,000 patients will benefit from stem cell research this year. However, we need to distinguish between the types of stem cells. Embryonic stem cell research has resulted in no cures for diseases. Aside from the destruction of embryos, embryonic stem cells present two significant problems, tumors and rejection.

The other type of stem cells, adult stem cells, we are hearing, can be found in many places: umbilical cord blood, fat tissue, bone marrow, muscle, the spleen and baby teeth, just to name a few.

Already doctors have treated diseases with adult stem cells in over 45 clinical trials, and extracting them does not harm anyone; and they are successfully being used. These cells do not present the serious ethical concerns and medical dangers of embryo-destructive research.

We need to focus our efforts on adult stem cells, not speculative and unethical research of embryonic stem cells.

SOCIAL SECURITY REFORM

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

Mr. DEFAZIO. Madam Speaker, the debate over the future of Social Security is complex and confusing. Even the President seems to be a bit confused. His staged town halls have focused on privatization, which actually makes the finances of Social Security worse.

On Saturday, the President talked falsely about the looming bankruptcy of Social Security. Worst case scenario, Social Security can only pay 75 to 80 percent of benefits starting in 40 to 50 years.

Until yesterday, he has been proposing cutting benefits even more to save the system. But finally yesterday, he opened the door to lifting the cap on the tax, on wages which people pay. Right now if you earn over $90,000 a year, you do not pay any more Social Security tax. If you earn $900,000 a year, you pay the Social Security tax at one-tenth the rate of someone who earns $40,000. That is not fair.

Lifting the cap would assure the solvency of Social Security for at least 75 years and potentially could give a tax break to everybody who earns less than $9,000 a year under a plan I proposed in the last Congress.

Hopefully, the President will continue down the path of fixing Social Security first before we have a debate about other programs.

ELECTRONIC PRESCRIBING SAVES LIVES AND MONEY

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

Mr. MURPHY. Madam Speaker, according to the Institute of Medicine, over 7,000 people die and $29 billion are wasted every year due to medication errors. Electronic prescribing can change lives and save money.

Medication errors are caused when physicians confuse the names of similar drugs, assign inappropriate dosage levels, issue redundant medications, or lead to harmful drug interactions, and allergic reactions. Electronic prescribing allows doctors to automatically and securely transmit a prescription to a patient's pharmacist. This technology eliminates the human errors caused by unreadable handwriting and improves the quality of care to patients.

Electronic prescribing saves lives by immediately checking a patient's records to alert the physician of potential conflicts with other medical conditions, known allergies, interactions with other active prescriptions and duplicate therapies. Electronic prescribing also saves money by providing information to physicians and patients about lower-cost medications like generics, lets the doctors know which drugs are covered by their health plan, provides valuable access to research, and streamlines billing information and reduces administration costs.

Madam Speaker, we need to make patient safety our national goal and make zero errors with medications a priority in health systems throughout the country. E-prescribing is one tool we can use to make this a reality in saving lives and saving money.

NO FURTHER SUPPLEMENTAL WITHOUT GUARANTEES FOR MEETING THE NEEDS OF OUR SOLDIERS

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

Mr. BLUMENAUER. Madam Speaker, I, like most of my colleagues on the floor, was horrified that our soldiers in Iraq had to scavenge junk yards of former Iraqi military equipment for metal and sheet armor to improve their own vehicles. My constituents in the Oregon National Guard were doing this and supplementing it with plywood and sandbags.

We were promised ''up-armoring'' by the administration, but this is still woefully inadequate. The additional weight puts increased stress on the suspension and drive-train of the vehicles, hampering their operational efficiency and making them slower. But, even worse, the fact that the floor is not protected means that the insurgents are now targeting these up-armored vehicles. Just a couple of weeks ago, I had one of my constituents lose a foot because of such an attack.

Two years later, and after over $200 billion that Congress has given the administration for the war in Iraq, we should not approve another supplemental budget request without adequate guarantees that, finally, the needs of our soldiers will be met.

SUPPORT THE CLASS ACTION FAIRNESS ACT

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

Mr. BARRETT of South Carolina. Madam Speaker, in the past few years, we have witnessed an explosion of interstate class-action lawsuits being filed in our State courts, particularly in certain ''magnet'' jurisdictions. These ''magnet'' courts routinely approve settlements in which lawyers receive large fee awards and the class members receive virtually nothing. The result is a growing number of class-action lawsuits that are losing propositions for everyone involved, except the lawyers that bring them.

Madam Speaker, later this morning, we will be debating the Class Action Fairness Act. This legislation closes a loophole in the system by creating Federal jurisdictions over large, multi-State class-action cases. It puts an end to various tricks currently used by some lawyers to stay out of Federal court. And, in addition, this legislation creates several provisions specifically designed to ensure that class members, not their attorneys, are the primary beneficiaries of the class-action process.

I urge my colleagues to join me in supporting this common sense, bipartisan plan.

HELPING AMERICA STAY STRONG WITH STRONG FUNDING

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

Ms. KILPATRICK of Michigan. Madam Speaker, I rise to talk about the budget that the President has delivered to the Committee on Appropriations. We began yesterday having hearings on that budget.

We have got to invest in America's families and in America's children.

This budget cuts $60 billion from Medicaid, an insurance program for children, the disabled, our States. Our States can ill-afford nursing home care for our residents. I am from the State of Michigan, with the highest unemployment rate in the country. We have to invest in our States and our cities. This budget does not do that. Community development block grants, grants to States and cities that would help cities build their infrastructure and fund various programs throughout the cities. Cuts to first responders and firefighters. Funding drug-free schools. The programs go on. We must find the money to fund these programs. COPS programs, $40 million.

Madam Speaker, our cities need our help. We have got to do better as appropriators. We have to do better as this Congress. Fund American families, fund the cities and States so that America can stay strong, as God intends.

TWELVE POINT COMMONSENSE PLAN TO RESTORE FISCAL DISCIPLINE

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

Mr. ROSS. Madam Speaker, our Nation finds itself today in a financial crisis. This year, our deficit is projected to exceed $589 billion. Last year's deficit was $412 billion. Seventy percent of that money was borrowed from foreigners, including China and Japan.

We are spending nearly $1 million more every 60 seconds than we are taking in in this country. On top of that, we are spending nearly $1 billion a day simply paying interest on the national debt, a debt that today is $7.6 trillion and rising.

Yesterday, I joined my colleagues of the fiscally conservative Democratic Blue Dog Coalition to announce a new 12-point budget plan that promotes commonsense budget reforms. One of those reforms includes the support of a constitutional amendment that would require the Federal Government to balance its budget every year. American families strive every month to live within a balanced budget at home. I do not think it is asking too much to hold our government to the same standard.

Madam Speaker, I urge my colleagues on both sides of the aisle to join me in support of this 12-point, commonsense budget plan that will place our Nation on a path to restore fiscal discipline to our Nation's government.

□ 1015

WRONG ANSWERS FOR SCHOOLS

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

Mr. PENCE. Madam Speaker, as I had the privilege to write this morning on the editorial page of USA Today, nobody doubts this President's heart for our kids. As a Governor, George W. Bush championed education reform, and, upon being elected President, brought his vision for standards and school choice to Capitol Hill.

Unfortunately, the defenders of the status quo in education succeeded in turning the President's original vision for education reform into a huge increase in the Federal Government's role in our local schools and, regrettably, they are at it again, as No Child Left Behind II, with national testing for high school students, comes to Congress.

The American people have always known the government that governs least governs best in those functions of government closest to the family. However well-intentioned, one more unfunded mandate from Washington, D.C. will not cure what ails our local schools. Resources that promote reform through competition and school choice will.

There is nothing that ails our local schools that parents and teachers of America cannot solve with the resources and the freedom to choose. Let us say no to more national testing. Let us say no to No Child Left Behind II.

CLASS ACTION FAIRNESS ACT OF 2005

Mr. SENSENBRENNER. Madam Speaker, pursuant to House Resolution 96, I call up the Senate 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, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to House Resolution 96, the bill is considered as read.

The text of S. 5 is as follows:

S. 5

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

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Class Action Fairness Act of 2005''.

(b) REFERENCE.—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.
Sec. 4. Federal district court jurisdiction for interstate class actions.
Sec. 5. Removal of interstate class actions to Federal district court.
Sec. 6. Report on class action settlements.
Sec. 7. Enactment of Judicial Conference recommendations.
Sec. 8. Rulemaking authority of Supreme Court and Judicial Conference.
Sec. 9. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have—

(A) harmed class members with legitimate claims and defendants that have acted responsibly;

(B) adversely affected interstate commerce; and

(C) undermined public respect for our judicial system.

(3) Class members often receive little or no benefit from class actions, and are sometimes harmed, such as where—

(A) counsel are awarded large fees, while leaving class members with coupons or other awards of little or no value;

(B) unjustified awards are made to certain plaintiffs at the expense of other class members; and

(C) confusing notices are published that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Abuses in class actions undermine the national judicial system, the free flow of interstate commerce, and the concept of diversity jurisdiction as intended by the framers of the United States Constitution, in that State and local courts are—

(A) keeping cases of national importance out of Federal court;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

(b) PURPOSES.—The purposes of this Act are to—

(1) assure fair and prompt recoveries for class members with legitimate claims;

(2) restore the intent of the framers of the United States Constitution by providing for Federal court consideration of interstate cases of national importance under diversity jurisdiction; and

(3) benefit society by encouraging innovation and lowering consumer prices.

SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.

(a) IN GENERAL.—Part V is amended by inserting after chapter 113 the following:

"CHAPTER 114—CLASS ACTIONS

''Sec.
''1711. Definitions.
''1712. Coupon settlements.
''1713. Protection against loss by class members.
''1714. Protection against discrimination based on geographic location.
''1715. Notifications to appropriate Federal and State officials.

"§ 1711. Definitions

''In this chapter:

''(1) CLASS.—The term 'class' means all of the class members in a class action.

''(2) CLASS ACTION.—The term 'class action' means any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed under a State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representatives as a class action.

''(3) CLASS COUNSEL.—The term 'class counsel' means the persons who serve as the attorneys for the class members in a proposed or certified class action.

''(4) CLASS MEMBERS.—The term 'class members' means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

''(5) PLAINTIFF CLASS ACTION.—The term 'plaintiff class action' means a class action in which class members are plaintiffs.

''(6) PROPOSED SETTLEMENT.—The term 'proposed settlement' means an agreement regarding a class action that is subject to court approval and that, if approved, would be binding on some or all class members.

"§ 1712. Coupon settlements

''(a) CONTINGENT FEES IN COUPON SETTLEMENTS.—If a proposed settlement in a class action provides for a recovery of coupons to a class member, the portion of any attorney's fee award to class counsel that is attributable to the award of the coupons shall be based on the value to class members of the coupons that are redeemed.

''(b) OTHER ATTORNEY'S FEE AWARDS IN COUPON SETTLEMENTS.—

''(1) IN GENERAL.—If a proposed settlement in a class action provides for a recovery of coupons to class members, and a portion of the recovery of the coupons is not used to determine the attorney's fee to be paid to class counsel, any attorney's fee award shall be based upon the amount of time class counsel reasonably expended working on the action.

''(2) COURT APPROVAL.—Any attorney's fee under this subsection shall be subject to approval by the court and shall include an appropriate attorney's fee, if any, for obtaining equitable relief, including an injunction, if applicable. Nothing in this subsection shall be construed to prohibit application of a lodestar with a multiplier method of determining attorney's fees.

''(c) ATTORNEY'S FEE AWARDS CALCULATED ON A MIXED BASIS IN COUPON SETTLEMENTS.—If a proposed settlement in a class action provides for an award of coupons to class members and also provides for equitable relief, including injunctive relief—

''(1) that portion of the attorney's fee to be paid to class counsel that is based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (a); and

''(2) that portion of the attorney's fee to be paid to class counsel that is not based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (b).

''(d) SETTLEMENT VALUATION EXPERTISE.—In a class action involving the awarding of coupons, the court may, in its discretion upon the motion of a party, receive expert testimony from a witness qualified to provide information on the actual value to the class members of the coupons that are redeemed.

''(e) JUDICIAL SCRUTINY OF COUPON SETTLEMENTS.—In a proposed settlement under which class members would be awarded coupons, the court may approve the proposed settlement only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members. The court, in its discretion, may also require that a proposed settlement agreement provide for the distribution of a portion of the value of unclaimed coupons to 1 or more charitable or governmental organizations, as agreed to by the parties. The distribution and redemption of any proceeds under this subsection shall not be used to calculate attorneys' fees under this section.

"§ 1713. Protection against loss by class members

''The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding that nonmonetary benefits to the class member substantially outweigh the monetary loss.

"§ 1714. Protection against discrimination based on geographic location

''The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

"§ 1715. Notifications to appropriate Federal and State officials

''(a) DEFINITIONS.—

''(1) APPROPRIATE FEDERAL OFFICIAL.—In this section, the term 'appropriate Federal official' means—

''(A) the Attorney General of the United States; or

''(B) in any case in which the defendant is a Federal depository institution, a State depository institution, a depository institution holding company, a foreign bank, or a nondepository institution subsidiary of the foregoing (as such terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

''(2) APPROPRIATE STATE OFFICIAL.—In this section, the term 'appropriate State official' means the person in the State who has the primary regulatory or supervisory responsibility with respect to the defendant, or who licenses or otherwise authorizes the defendant to conduct business in the State, if some or all of the matters alleged in the class action are subject to regulation by that person. If there is no primary regulator, supervisor, or licensing authority, or the matters alleged in the class action are not subject to regulation or supervision by that person, then the appropriate State official shall be the State attorney general.

''(b) IN GENERAL.—Not later than 10 days after a proposed settlement of a class action is filed in court, each defendant that is participating in the proposed settlement shall serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement consisting of—

''(1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);

''(2) notice of any scheduled judicial hearing in the class action;

''(3) any proposed or final notification to class members of—

''(A)(i) the members' rights to request exclusion from the class action; or

''(ii) if no right to request exclusion exists, a statement that no such right exists; and

''(B) a proposed settlement of a class action;

''(4) any proposed or final class action settlement;

''(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

''(6) any final judgment or notice of dismissal;

''(7)(A) if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State's appropriate State official; or

''(B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement; and

''(8) any written judicial opinion relating to the materials described under subparagraphs (3) through (6).

''(c) DEPOSITORY INSTITUTIONS NOTIFICATION.—

''(1) FEDERAL AND OTHER DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a Federal depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing, the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

''(2) STATE DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a State depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the State bank supervisor (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) of the State in which the defendant is incorporated or chartered, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person, and upon the appropriate Federal official.

''(d) FINAL APPROVAL.—An order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under subsection (b).

''(e) NONCOMPLIANCE IF NOTICE NOT PROVIDED.—

''(1) IN GENERAL.—A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member demonstrates that the notice required under subsection (b) has not been provided.

''(2) LIMITATION.—A class member may not refuse to comply with or to be bound by a settlement agreement or consent decree under paragraph (1) if the notice required under subsection (b) was directed to the appropriate Federal official and to either the State attorney general or the person that has primary regulatory, supervisory, or licensing authority over the defendant.

''(3) APPLICATION OF RIGHTS.—The rights created by this subsection shall apply only to class members or any person acting on a class member's behalf, and shall not be construed to limit any other rights affecting a class member's participation in the settlement.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to expand the authority of, or impose any obligations, duties, or responsibilities upon, Federal or State officials.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V is amended by inserting after the item relating to chapter 113 the following:

''114. Class Actions ..... 1711''.

SEC. 4. FEDERAL DISTRICT COURT JURISDICTION FOR INTERSTATE CLASS ACTIONS.

(a) APPLICATION OF FEDERAL DIVERSITY JURISDICTION.—Section 1332 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d)(1) In this subsection—

''(A) the term 'class' means all of the class members in a class action;

''(B) the term 'class action' 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;

''(C) the term 'class certification order' means an order issued by a court approving the treatment of some or all aspects of a civil action as a class action; and

''(D) the term 'class members' means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

''(2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs, and is a class action in which—

''(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

''(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

''(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

''(3) A district court may, in the interests of justice and looking at the totality of the circumstances, decline to exercise jurisdiction under paragraph (2) over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed based on consideration of—

''(A) whether the claims asserted involve matters of national or interstate interest;

''(B) whether the claims asserted will be governed by laws of the State in which the action was originally filed or by the laws of other States;

''(C) whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction;

''(D) whether the action was brought in a forum with a distinct nexus with the class members, the alleged harm, or the defendants;

''(E) whether the number of citizens of the State in which the action was originally filed in all proposed plaintiff classes in the aggregate is substantially larger than the number of citizens from any other State, and the citizenship of the other members of the proposed class is dispersed among a substantial number of States; and

''(F) whether, during the 3-year period preceding the filing of that class action, 1 or more other class actions asserting the same or similar claims on behalf of the same or other persons have been filed.

''(4) A district court shall decline to exercise jurisdiction under paragraph (2)—

''(A)(i) over a class action in which—

''(I) greater than two-thirds of the members of all proposed plaintiff classes in the aggregate are citizens of the State in which the action was originally filed;

''(II) at least 1 defendant is a defendant—

''(aa) from whom significant relief is sought by members of the plaintiff class;

''(bb) whose alleged conduct forms a significant basis for the claims asserted by the proposed plaintiff class; and

''(cc) who is a citizen of the State in which the action was originally filed; and

''(III) principal injuries resulting from the alleged conduct or any related conduct of each defendant were incurred in the State in which the action was originally filed; and

''(ii) during the 3-year period preceding the filing of that class action, no other class action has been filed asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons; or

''(B) two-thirds or more of the members of all proposed plaintiff classes in the aggregate, and the primary defendants, are citizens of the State in which the action was originally filed.

''(5) Paragraphs (2) through (4) shall not apply to any class action in which—

''(A) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

''(B) the number of members of all proposed plaintiff classes in the aggregate is less than 100.

''(6) In any class action, the claims of the individual class members shall be aggregated

to determine whether the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs.

''(7) Citizenship of the members of the proposed plaintiff classes shall be determined for purposes of paragraphs (2) through (6) as of the date of filing of the complaint or amended complaint, or, if the case stated by the initial pleading is not subject to Federal jurisdiction, as of the date of service by plaintiffs of an amended pleading, motion, or other paper, indicating the existence of Federal jurisdiction.

''(8) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

''(9) Paragraph (2) shall not apply to any class action that solely involves a claim—

''(A) concerning a covered security as defined under 16(f)(3) of the Securities Act of 1933 (15 U.S.C. 78p(f)(3)) and section 28(f)(5)(E) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(f)(5)(E));

''(B) that relates to the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

''(C) that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) and the regulations issued thereunder).

''(10) For purposes of this subsection and section 1453, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

''(11)(A) For purposes of this subsection and section 1453, a mass action shall be deemed to be a class action removable under paragraphs (2) through (10) if it otherwise meets the provisions of those paragraphs.

''(B)(i) As used in subparagraph (A), the term 'mass action' means any civil action (except a civil action within the scope of section 1711(2)) 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, except that jurisdiction shall exist only over those plaintiffs whose claims in a mass action satisfy the jurisdictional amount requirements under subsection (a).

''(ii) As used in subparagraph (A), the term 'mass action' shall not include any civil action in which—

''(I) all of the claims in the action arise from an event or occurrence in the State in which the action was filed, and that allegedly resulted in injuries in that State or in States contiguous to that State;

''(II) the claims are joined upon motion of a defendant;

''(III) all of the claims in the action are asserted on behalf of the general public (and not on behalf of individual claimants or members of a purported class) pursuant to a State statute specifically authorizing such action; or

''(IV) the claims have been consolidated or coordinated solely for pretrial proceedings.

''(C)(i) Any action(s) removed to Federal court pursuant to this subsection shall not thereafter be transferred to any other court pursuant to section 1407, or the rules promulgated thereunder, unless a majority of the plaintiffs in the action request transfer pursuant to section 1407.

''(ii) This subparagraph will not apply—

''(I) to cases certified pursuant to rule 23 of the Federal Rules of Civil Procedure; or

''(II) if plaintiffs propose that the action proceed as a class action pursuant to rule 23 of the Federal Rules of Civil Procedure.

''(D) The limitations periods on any claims asserted in a mass action that is removed to Federal court pursuant to this subsection shall be deemed tolled during the period that the action is pending in Federal court.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1335(a)(1) is amended by inserting ''subsection (a) or (d) of'' before ''section 1332''.

(2) Section 1603(b)(3) is amended by striking ''(d)'' and inserting ''(e)''.

SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) IN GENERAL.—Chapter 89 is amended by adding after section 1452 the following:

''§ 1453. Removal of class actions

''(a) DEFINITIONS.—In this section, the terms 'class', 'class action', 'class certification order', and 'class member' shall have the meanings given such terms under section 1332(d)(1).

''(b) IN GENERAL.—A class action may be removed to a district court of the United States in accordance with section 1446 (except that the 1-year limitation under section 1446(b) shall not apply), without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed by any defendant without the consent of all defendants.

''(c) REVIEW OF REMAND ORDERS.—

''(1) IN GENERAL.—Section 1447 shall apply to any removal of a case under this section, except that notwithstanding section 1447(d), a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.

''(2) TIME PERIOD FOR JUDGMENT.—If the court of appeals accepts an appeal under paragraph (1), the court shall complete all action on such appeal, including rendering judgment, not later than 60 days after the date on which such appeal was filed, unless an extension is granted under paragraph (3).

''(3) EXTENSION OF TIME PERIOD.—The court of appeals may grant an extension of the 60-day period described in paragraph (2) if—

''(A) all parties to the proceeding agree to such extension, for any period of time; or

''(B) such extension is for good cause shown and in the interests of justice, for a period not to exceed 10 days.

''(4) DENIAL OF APPEAL.—If a final judgment on the appeal under paragraph (1) is not issued before the end of the period described in paragraph (2), including any extension under paragraph (3), the appeal shall be denied.

''(d) EXCEPTION.—This section shall not apply to any class action that solely involves—

''(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 (15 U.S.C. 78p(f)(3)) and section 28(f)(5)(E) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(f)(5)(E));

''(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

''(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) and the regulations issued thereunder).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

''1453. Removal of class actions.''.

SEC. 6. REPORT ON CLASS ACTION SETTLEMENTS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report on class action settlements.

(b) CONTENT.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members that the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) AUTHORITY OF FEDERAL COURTS.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorneys' fees.

SEC. 7. ENACTMENT OF JUDICIAL CONFERENCE RECOMMENDATIONS.

Notwithstanding any other provision of law, the amendments to rule 23 of the Federal Rules of Civil Procedure, which are set forth in the order entered by the Supreme Court of the United States on March 27, 2003, shall take effect on the date of enactment of this Act or on December 1, 2003 (as specified in that order), whichever occurs first.

SEC. 8. RULEMAKING AUTHORITY OF SUPREME COURT AND JUDICIAL CONFERENCE.

Nothing in this Act shall restrict in any way the authority of the Judicial Conference and the Supreme Court to propose and prescribe general rules of practice and procedure under chapter 131 of title 28, United States Code.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

The SPEAKER pro tempore. After 90 minutes of debate on the bill, it shall be in order to consider the amendment in the nature of a substitute printed in House Report 109–7, if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, which shall be considered read and shall be debatable for 40 minutes equally divided and controlled by the proponent and opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 45 minutes of debate on the bill.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 5.

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

There was no objection.

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

Madam Speaker, I rise in strong support of S. 5, the Class Action Fairness Act of 2005. Today marks the culmination of nearly a decade of legislative efforts to end systematic abuse of our Nation's class action system. We stand on the cusp of sending landmark legislation on civil-justice reform to the President that has been approved by increasing majorities each time it has been considered by the House in each of the last three Congresses and which passed the other body last week with an overwhelming majority of 72 votes.

Since these reforms were first proposed, the magnitude of the class action crisis, the need to address it has become more and more urgent. The crisis now threatens the integrity of our civil justice system and undermines the economic vitality upon which job creation depends.

A major element of the worsening crisis is the exponential increase in State class action cases in a handful of ''magnet'' or ''magic'' jurisdictions, many of which deal with national issues in classes. In the last 10 years, State court class actions filings nationwide have increased over 1,315 percent. The infamous handful of magnet courts known for certifying even the most speculative class action suits, the increase in filings now exceeds 5,000 percent. The only explanation for this phenomenon is aggressive forum shopping by trial lawyers to find courts and judges who will act as willing accomplices in a judicial power grab, hearing nationwide cases and setting policy for the entire country.

A second major feature of the present class action crisis is a system producing outrageous settlements that benefit only lawyers and trample the rights of class members. Class actions were originally created to efficiently address a large number of similar claims by people suffering small harms. Today they are too often used to efficiently transfer the large fees to a small number of trial lawyers, with little benefit to the plaintiffs.

The present rules encourage a race to any available State courthouse in the hopes of a rubber-stamped nationwide settlement that produces millions in attorney's fees for the winning plaintiff's attorney. The race to settle produces outcomes that favor expediency and profits for lawyers over justice and fairness for consumers. The losers in this race are the victims who often gain little or nothing through the settlement, yet are bound by it in perpetuity. And all Americans bear the cost of these settlements through increased prices for goods and services.

The bill before the House today offers commonsense procedural changes that will end the most serious abuses by allowing more interstate class actions to be heard in Federal courts while keeping truly local cases in State courts. Its core provisions are similar to those passed by this body in the last three Congresses. S. 5 also implements a consumer bill of rights that will keep class members from being used by the lawyers they never hired to engage in litigation they do not know about or to extort money they will never see.

Madam Speaker, when the House considered this important reform in the last Congress, I remarked that, ''The class action judicial system has become a joke, and no one is laughing except the trial lawyers . . . all the way to the bank.''

I imagine that laughter turned to nervous chuckles when S. 5 emerged unscathed from the gauntlet in the other body with 72 votes last week. Today, as the House prepares to pass this bill, I suspect you could hear a pin drop in the halls of infamous courthouses located in Madison County, Illinois and Jefferson County, Texas, where for so long the good times have rolled for forum-shopping plaintiffs' attorneys and the judges who enable them. And when this legislation is signed by the President one day soon, those same halls may echo with sobs and curses because this time justice and fairness and the American people will have the last laugh.

Madam Speaker, after years of toil, the moment has arrived. The opportunity to restore common sense, rationality, and dignity to our class action system is now before us, and the need for reform has never been more certain. I urge my colleagues to support the Class Action Fairness Act of 2005.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, with the consideration of this legislation, the majority begins their assault on our Nation's civil justice system. Today we will attempt to preempt State class actions. Next month we will take up a bankruptcy bill that massively tilts the playing field in favor of credit card companies and against ordinary consumers and workers alike. On deck and pending are equally one-sided medical malpractice bills and asbestos bills that both cap damages and eliminate liability to protect some of the most egregious wrongdoers in America.

The majority's assault on victims and consumers is unprecedented in its scope and stunning in its breadth. Collectively, these measures will close the courthouse doors on millions of Americans harmed by intentional wrongdoing, negligence, and fraud. And so, long after the 109th Congress has forgotten, American consumers and workers will be paying the price for these special interest bills through needless injuries and uncompensated harm.

This legislation will remove class actions involving State law issues from State courts, the forum most convenient for victims of wrongdoing and with the judges most familiar with the substantive law, and this legislation will move it to the Federal courts where the case will take far longer to resolve and is far less likely to be certified.

Now, you do not need to take my word for it. Let us just ask big business itself. The Nation's largest bank, Citicorp admits ''the practical effect (of the bill will) be that many cases will never be heard. Federal judges facing overburdened dockets and ambiguities about applying State laws in a Federal court, often refuse to grant standing to class action plaintiffs.''

Forbes Magazine writes, ''The legislation will . . . make it more difficult for plaintiffs to prevail, since . . . federal courts are . . . less open to considering . . . class action claims.''

Passage of this legislation would be particularly devastating for civil rights cases and labor law cases. As the Lawyers Committee For Civil Rights Under The Law explained, ''The consequences of the legislation for civil rights class actions . . . will be astounding and, in our view, disastrous. Redirecting State law class actions to the Federal courts will choke Federal court dockets and delay or foreclose the timely and effective determination of Federal (civil rights) cases.''

Since the November election we have heard a lot of talk about values, and that is fine; but will someone during this discourse today tell me where the value is in denying senior citizens who suffered heart attacks because they took Vioxx for their arthritis? Where is the morality in preventing poor workers from joining together to obtain compensation when unscrupulous employers pay them slave-labor wages? Where is the righteousness in telling victims of discrimination that they will have to wait years for a Federal court to consider violations of their own State laws?

If we have learned anything from the Enron, TYCO, Firestone, and other legal debacles, it is that our citizens

need more protection against wrongdoers in our society, not less. And yet the class action bill before us takes us in precisely the opposite direction.

The House should reject this one-sided, anti-consumer and anti-civil rights legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER) to show the breadth of the bipartisan support of this legislation.

Mr. BOUCHER. Madam Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me time.

Madam Speaker, I am pleased to rise this morning in support of the bill before us. In the two decades that I have been privileged to serve in the House, the class action measure that is before us today is the most modest litigation reform that has been debated, and it strikes in a narrow and appropriate way at an egregious abuse of justice.

The bill before us makes procedural changes only. There are no restrictions on the substantive rights of plaintiffs. There are no caps on damages. There is no elimination on the rights of plaintiffs to recover.

The bill simply permits the removal to Federal courts of class actions that are truly national in scope, with plaintiffs living across the Nation and the large corporate defendant, even if the current diversity of citizenship rules are not strictly met.

This change is much needed. Cases that are truly national in scope are being filed as State class actions before certain favored judges who employ an almost ''anything goes'' approach that remedies virtually any controversy subject to certification as a class action. Once certification occurs, there is then a rush to settle the cases. The lawyer who filed the case makes an offer that is hard for the corporate defendant to refuse.

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He asks for large fees in the millions of dollars for himself and coupons for the plaintiff class members that he represents. Rather than go through years of expensive litigation, the defendant settles. The judge who certified the class quickly approves the settlement. The lawyer who filed the case gets rich. The plaintiff class members get virtually nothing.

That is the problem that this bill is designed to address. It permits the removal of these national cases to the Federal court in the State in which the State class action has been filed.

In the Federal court, the rights of plaintiffs will be more carefully observed. Any settlement involving noncash compensation will be carefully reviewed to assure that it is fair. Under the bill, cases that are local in scope will remain in the State court where they are initially filed.

I want to commend the gentleman from Virginia (Mr. GOODLATTE) for the thoughtful leadership that he has provided in steering this measure to the point of passage today. The gentleman from Virginia (Mr. GOODLATTE) has exhibited both foresight and patience and as chief sponsor of the bill through three Congresses deserves tremendous credit for the success that we are now on the brink of achieving.

I also want to commend the gentleman from Wisconsin (Mr. SENSENBRENNER) for the wise course that he has followed as chairman of the House Committee on the Judiciary in permitting the Senate to act in advance of our action today.

I want to commend our former House colleague, Senator Tom Carper, for the outstanding work he performed in negotiating changes to the measure which resulted in 72 Members of the Senate voting to approve this reform.

I hope the House will also lend its support to this reform.

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

The gentleman from Virginia (Mr. BOUCHER) is a dear friend of mine, and I merely want to take one observation that he made, that this is just a procedural process and that there is no substantive changes, but I say to him, if the legal system is rigged and the rules are stacked against you, you never have to get to the substance; you do not even get your day in court.

That is the problem with this bill. It is a procedural process that prevents people from bringing actions in State courts, and we are sending it to the Federal courts when both the Federal judiciary has spoken against this measure and the State judges have spoken against this measure as well. I think that that should be a very instructive criticism against this bill.

The proposal before us is opposed by both State and Federal judiciaries. It is opposed by the National Council of State Legislatures; consumers and public interest groups, including Public Citizen, the Consumers Federation of America, the Consumers Union, the United States PIRG; a coalition of environmental advocates; health advocates, including the Campaign for Tobacco Free Kids; civil rights groups such as the Alliance for Justice, the Leadership Conference on Civil Rights, the National Association for the Advancement of Colored People, and the Lawyers' Committee for Civil Rights and labor such as the American Federation of Labor-Congress of Industrial Organizations, AFL–CIO.

This legislation is also opposed by many of the Nation's editorial boards in the newspaper business. A New York Times editorial board just this weekend wrote this about the measure that is before the House today: ''Instead of narrowly focusing on real abuses of the system, the measure reconfigures the civil justice system to achieve a significant rollback of corporate accountability and people's rights. The main impact of the bill, which has the sort of propagandistic title normally assigned to such laws, the Class Action Fairness Act, will be to funnel nearly all major class action lawsuits out of State courts and into already overburdened Federal courts. That will inevitably make it harder for Americans to pursue legitimate claims successfully against companies that violate State consumer, health, civil rights and environmental protection laws.''

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, first, I have a lengthy additional statement explaining how this bill is to work. We do not have the time in general debate for me to give this statement on the floor, so I will insert the statement relative to the intent of the managers of the bill in the RECORD at this point.

Madam Speaker, I would like to provide a brief summary of the provisions in Sections 4 and 5 of S. 5, the Class Action Fairness Act of 2005. Section 4 gives Federal courts jurisdiction over class action lawsuits in which the aggregate amount in controversy exceeds $5 million, and at least one plaintiff and one defendant are diverse. Overall, new section 1332(d) is intended to expand substantially Federal court jurisdiction over class actions. Its provisions should be read broadly, with a strong preference that interstate class actions should be heard in a Federal court if removed by any defendant. If a purported class action is removed under these jurisdictional provisions, the named plaintiff(s) should bear the burden of demonstrating that the removal was improper. And if a Federal court is uncertain about whether the $5 million threshold is satisfied, the court should err in favor of exercising jurisdiction over the case.

The Sponsors intend that in a case seeking injunctive relief, a matter be subject to Federal jurisdiction under this provision if the value of the matter in litigation exceeds $5 million either from the viewpoint of the plaintiff or the defendant, and regardless of the type of relief sought (e.g., damages, injunctive relief, or declaratory relief). Similarly, in assessing the jurisdictional amount in declaratory relief cases, the Federal court should include in its assessment the value of all relief and benefits that would logically flow from granting the declaratory relief sought by the claimants. For example, a declaration that a defendant's conduct is unlawful or fraudulent will carry certain consequences, such as the need to cease and desist from that conduct, that will often ''cost'' the defendant in excess of $5 million. In addition, the law is clear that, once a Federal court properly has jurisdiction over a case removed to Federal court, subsequent events cannot ''oust'' the Federal court of jurisdiction. While plaintiffs can seek to avoid Federal jurisdiction

by defining a proposed class in particular ways, they lose that power once the case was properly removed.

New subsections 1332(d)(3) and (d)(4)(B) address the jurisdictional principles that will apply to class actions filed against a defendant in its home State, dividing such cases into three categories. First, for cases in which two-thirds or more of the members of the plaintiff class and the primary defendants are citizens of the State in which the suit was filed, subsection 1332(d)(4)(B) states that such cases will remain in State court. Second, cases in which more than two-thirds of the members of the plaintiff class or one or more of the primary defendants are not citizens of the forum State will be subject to Federal jurisdiction since such cases are predominantly interstate in nature. Finally, there is a middle category of class actions in which more than one-third but fewer than two-thirds of the members of the plaintiff class and the primary defendants are all citizens of the State in which the action was filed. In such cases, the numbers alone may not always confirm that the litigation is more fairly characterized as predominantly interstate in character. New subsection 1332(d)(3) therefore gives Federal courts discretion, in the ''interests of justice,'' to decline to exercise jurisdiction over such cases based on the consideration of five factors.

First, the court should consider whether the claims asserted are of ''significant national or interstate interest.'' Under this factor, if a case presents issues of national or interstate significance, that argues in favor of the matter being handled in Federal court. Second, the court should consider whether the claims asserted will be governed by laws other than those of the forum State. Under this factor, if the Federal court determines that multiple State laws will apply to aspects of the class action, that determination would favor having the matter heard in the Federal court system, which has a record of being more respectful of the laws of the various States in the class action context. The third factor is whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction. The purpose of this inquiry is to determine whether the plaintiffs have proposed a ''natural'' class that encompasses all of the people and claims that one would expect to include in a class action, as opposed to proposing a class that appears to be gerrymandered solely to avoid Federal jurisdiction by leaving out certain potential class members or claims. If the Federal court concludes evasive pleading is involved, that factor would favor the exercise of Federal jurisdiction. The fourth factor considers whether there is a ''distinct'' nexus between: (a) The forum where the action was brought, and (b) the class members, the alleged harm, or the defendants. This factor is intended to take account of a major concern that led to this legislation—the filing of lawsuits in out-of-the-way ''magnet'' State courts that have no real relationship to the controversy at hand. Thus, for example, if the majority of proposed class members and the defendant reside in the county where the suit is brought, the court might find a distinct nexus exists.

The fifth factor asks whether the number of citizens of the forum State in the proposed plaintiff class(es) is substantially larger than the number of citizens from any other State, and the citizenship of the other members of the proposed class(es) is dispersed among a substantial number of States. If all of the class members who do not reside in the State where the action was filed are widely dispersed among many other States, that point would suggest that the interests of the forum State in litigating the controversy are preeminent. However, if a court finds that the citizenship of the other class members is not widely dispersed, the opposite balance would be indicated and a Federal forum would be favored. Finally, the sixth factor is whether one or more class actions asserting the same or similar claims on behalf of the same or other persons have been filed in the last three years. The purpose of this factor is efficiency and fairness: To determine whether a matter should be subject to Federal jurisdiction so that it can be coordinated with other overlapping or parallel class actions. If other class actions on the same subject have been (or are likely to be) filed elsewhere, the Sponsors intend that this consideration would strongly favor the exercise of Federal jurisdiction. It is the Sponsors' intention that this factor be interpreted liberally and that plaintiffs not be able to plead around it with creative legal theories. If a plaintiff brings a product liability suit alleging consumer fraud or unjust enrichment, and another suit was previously brought against some of the same defendants alleging negligence with regard to the same product, this factor would favor the exercise of Federal jurisdiction over the later-filed claim.

New subsection 1332(d)(4)(A) is the ''Local Controversy Exception.'' This subsection prohibits Federal courts from exercising diversity jurisdiction over a class action under the foregoing provisions if the plaintiffs clearly demonstrate that each and every one of the following criteria are satisfied in the case at issue. First, more than two-thirds of class members are citizens of the forum State. Second, 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 of plaintiffs' claims. Third, 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 fourth, 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.

This provision is intended to respond to concerns that class actions with a truly local focus should not be moved to Federal court under this legislation because State courts have a strong interest in adjudicating such disputes. At the same time, this is a narrow exception that was carefully drafted to ensure that it does not become a jurisdictional loophole. Thus, in assessing whether each of these criteria is satisfied by a particular case, a Federal court should bear in mind that the purpose of each of these criteria is to identify a truly local controversy—a controversy that uniquely affects a particular locality to the exclusion of all others. For example, under the second criterion, there must be at least one real local defendant. By that, the Sponsors intend that the local defendant must be a primary focus of the plaintiffs' claims—not just a peripheral defendant. The local defendant must be a target from whom significant relief is sought by the class (as opposed to just a subset of the class membership), as well as being a defendant whose alleged conduct forms a significant basis for the claims asserted by the class. Similarly, the third criterion is that the principal injuries resulting from the actions of all the defendants must have occurred in the State where the suit was filed. By this criterion, the Sponsors mean that all or almost all of the damage caused by defendants' alleged conduct occurred in the State where the suit was brought. The purpose of this criterion is to ensure that this exception is used only where the impact of the misconduct alleged by the purported class is localized. For example, a class action in which local residents seek compensation for property damage resulting from a chemical leak at a manufacturing plant in that community would fit this criterion, provided that the property damage was limited to residents in the vicinity of the plant. However, if the defendants engaged in conduct that could be alleged to have injured consumers throughout the country or broadly throughout several States (such as an insurance or product case), the case would not qualify for this exception, even if it were brought only as a single-State class action.

The fourth and final criterion is that no other class action involving similar allegations has been filed against any of the defendants over the last three years on behalf of the same or other persons. Once again, the Sponsors wish to stress that the inquiry under this criterion should not be whether identical (or nearly identical) class actions have been filed. Rather, the inquiry is whether similar factual allegations have been made against the defendant in multiple class actions, regardless of whether the same causes of actions were asserted or whether the purported plaintiff classes were the same (or even overlapped in significant respects).

New subsections 1332(d)(5)(A) and (B) specify that S. 5 does not extend Federal diversity jurisdiction to class actions in which (a) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief, or (b) the number of members of all proposed plaintiff classes in the aggregate is fewer than 100 class members. The purpose of the ''State action'' cases provision is to prevent States, State officials, or other governmental entities from dodging legitimate claims by removing class actions to Federal court and then arguing that the Federal courts are constitutionally prohibited from granting the requested relief. However, Federal courts should proceed cautiously before declining Federal jurisdiction under the ''State action'' case exception, and do so only when it is clear that the primary defendants are indeed States, State officials, or other governmental entities against whom the ''court may be foreclosed from ordering relief.'' The Sponsors wish to stress that this provision should not become a subterfuge for avoiding Federal jurisdiction. In particular, plaintiffs should not be permitted to name State entities as defendants as a mechanism to avoid Federal jurisdiction over class actions that largely target non-

governmental defendants. The Sponsors intend that ''primary defendants'' be interpreted to reach those defendants who are the real ''targets'' of the lawsuit—i.e., the defendants that would be expected to incur most of the loss if liability is found. It is the Sponsors' intention with regard to each of these exceptions that the party opposing Federal jurisdiction shall have the burden of demonstrating the applicability of an exemption.

The Sponsors understand that in assessing the various criteria established in all of these new jurisdictional provisions, a Federal court may have to engage in some fact-finding, not unlike what is necessitated by the existing jurisdictional statutes. The Sponsors further understand that in some instances, limited discovery may be necessary to make these determinations. However, the Sponsors caution that these jurisdictional determinations should be made largely on the basis of readily available information. Allowing substantial, burdensome discovery on jurisdictional issues would be contrary to the intent of these provisions to encourage the exercise of Federal jurisdiction over class actions.

Under new subsection 1332(d)(9), the Act excludes from its jurisdictional provisions class actions that solely involve claims that relate to matters of corporate governance arising out of State law. The purpose of this provision is to avoid disturbing in any way the Federal vs. State court jurisdictional lines already drawn in the securities litigation class action context by the enactment of the Securities Litigation Uniform Standards Act of 1998. The Sponsors intend that this exemption be narrowly construed. By corporate governance litigation, the Sponsors mean only litigation based solely on (a) State statutory law regulating the organization and governance of business enterprises such as corporations, partnerships, limited partnerships, limited liability companies, limited liability partnerships, and business trusts; (b) State common law regarding the duties owed between and among owners and managers of business enterprises; and (c) the rights arising out of the terms of the securities issued by business enterprises.

New subsection 1332(d)(11) expands Federal jurisdiction over mass actions—suits that are brought on behalf of numerous named plaintiffs who claim that their suits present common questions of law or fact that should be tried together even though they do not seek class certification status. Mass action cases function very much like class actions and are subject to many of the same abuses. Under subsection 1332(d)(11), any civil action in which 100 or more named parties seek to try their claims for monetary relief together will be treated as a class action for jurisdictional purposes. The Sponsors wish to stress that a complaint in which 100 or more plaintiffs are named fits the criteria of seeking to try their claims together, because there would be no other apparent reason to include all of those claimants in a single action unless the intent was to secure a joint trial of the claims asserted in the action. The Sponsors also wish to stress that this provision is intended to mean a situation in which it is proposed or ordered that claims be tried jointly in any respect—that is, if only certain issues are to be tried jointly and the case otherwise meets the criteria set forth in this provision, the matter will be subject to Federal jurisdiction. However, it also should be noted that a mass action would not be eligible for Federal jurisdiction under this provision if any of several criteria are satisfied by the action, including (1) when all the claims asserted in the action arise out of an event or occurrence in the State where, the suit is filed and the injuries were incurred in that State and contiguous States (e.g., a toxic spill case) and (2) when the claims are asserted on behalf of the general public (and not on behalf of individual claimants or members of a purported class) pursuant to a State statute specifically authorizing such an action.

The first exception would apply only to a truly local single event with no substantial interstate effects. The purpose of this exception is to allow cases involving environmental torts such as a chemical spill to remain in State court if both the event and the injuries were truly local, even though there are some out-of-State defendants. By contrast, this exception would not apply to a product liability or insurance case. The second exception also addresses a very narrow situation, specifically a law like the California Unfair Competition Law, which allows individuals to bring a suit on behalf of the general public.

Subsection 1332(d)(11)(B)(i) includes a statement indicating that jurisdiction exists only over those plaintiffs whose claims in a mass action satisfy the jurisdictional amount requirements under section 1332(a). It is the Sponsors' intent that although remands of individual claims not meeting the section 1332 jurisdictional amount requirement may take the action below the 100-plaintiff jurisdictional threshold or the $5 million jurisdictional amount requirement, those subsequent remands should not extinguish Federal diversity jurisdiction over the action as long as the mass action met the various jurisdictional requirements at the time of removal.

Under subsection 1332(d)(11)(C), a mass action removed to a Federal court under this provision may not be transferred to another Federal court under the MDL statute (28 U.S.C. §1407) unless a majority of the plaintiffs request such a transfer. The Sponsors wish to make clear that this restriction on MDL transfers applies only to mass actions as defined in subsection 1332(d)(11); the legislation does not more broadly restrict the authority of the Judicial Panel on Multidistrict Litigation to transfer class actions removed to Federal court under this legislation. Under subsection 1332(d)(11)(D), the statute of limitations for any claims that are part of a mass action will be tolled while the mass action is pending in Federal court.

The removal provisions in Section 5 of the legislation are self-explanatory and attempt to put an end to the type of gaming engaged in by plaintiffs' lawyers to keep cases in State court. They should thus be interpreted with this intent in mind. In addition, new subsection 1453(c) provides that an order remanding a class action to State court is reviewable by appeal at the discretion of the reviewing court. The Sponsors note that the current prohibition on remand order review was added to section 1447 after the Federal diversity jurisdictional statutes and the related removal statutes had been subject to appellate review for many years and were the subject of considerable appellate level interpretive law. The Sponsors believe it is important to create a similar body of clear and consistent guidance for district courts that will be interpreting this legislation and would particularly encourage appellate courts to review cases that raise jurisdictional issues likely to arise in future cases.

Thank you, Madam Speaker, for allowing me to provide an explanation of these jurisdictional provisions.

Madam Speaker, for purposes of engaging in a colloquy with the two gentlemen from Virginia (Mr. GOODLATTE) and (Mr. BOUCHER), I yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I thank the chairman very much for yielding.

Madam Speaker, the general principles behind S. 5 and many of the provisions in the legislation are similar to those in H.R. 1115, which the House passed in 2003, and S. 274, which was voted out of committee in the Senate in 2003 but did not ultimately pass.

To the extent these provisions are the same, the House Committee on the Judiciary's report on H.R. 1115 and the Senate Committee on the Judiciary's report on S. 274 reflect the intent and understanding of the committee and the sponsors as to the import of these provisions. However, there are several new provisions in S. 5 regarding Federal jurisdiction over class actions that were not included in prior versions of the legislation.

I would like to ask my colleague, the chairman of the Committee on the Judiciary, to provide an overview of the jurisdictional provisions in the legislation, and I would like to discuss the various exceptions included in the legislation and the intent of the sponsors with regard to these exceptions.

Mr. SENSENBRENNER. Madam Speaker, reclaiming my time, I appreciate the gentleman's question.

Section 4 of the bill gives Federal courts jurisdiction over class action lawsuits in which the matter in controversy exceeds the sum or value of $5 million, excluding interests and costs and at least one proposed class member and one defendant are citizens of different States or countries.

For purposes of the citizenship element of this analysis, S. 5 does not alter current law. Thus, a corporation will continue to be deemed a citizen of any State by which it has been incorporated and of the State where it has its principal place of business. However, the bill provides that for purposes of this new section, and section 1453 of title 28, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it organized. This provision is added to ensure that unincorporated associations receive the same treatment as corporations for purposes of

diversity jurisdiction. New subsection 1332(d)(10) corrects this anomaly.

Mr. BOUCHER. Madam Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Virginia.

Mr. BOUCHER. Madam Speaker, I thank the gentleman for yielding.

What about the amount-in-controversy component, the $5 million? Under current law, some Federal courts have determined the value for requests for injunctive relief by considering the value to each individual plaintiff. Since that value is usually less than $75,000, these courts have kept such cases in State court. This is sometimes known as the plaintiff's viewpoint, defendant's viewpoint problem. Would the Chairman explain how the bill resolves this challenge?

Mr. SENSENBRENNER. Madam Speaker, reclaiming my time, under new subsection 1332(d)(6), the claims of the individual class members in any class action shall be aggregated to determine whether the amount in controversy exceeds the sum or value of $5 million. The sponsors intend this subsection to be interpreted broadly, and if a purported class action is removed under this provision, the plaintiff shall bear the burden of demonstrating that the $5 million threshold is not satisfied. By the same token, if a Federal court is uncertain about whether a case puts $5 million or more in controversy, the court should favor exercising jurisdiction over the case.

This principle applies to class actions seeking injunctive relief as well. The sponsors intend that a matter be subject to Federal jurisdiction under this provision if the value of the matter in litigation exceeds the $5 million, either from the viewpoint of the plaintiff or the viewpoint of the defendant, regardless of the type of relief sought, such as damages, injunctive relief or declaratory relief.

The sponsors are aware that some courts, especially in the class action context, have declined to exercise Federal jurisdiction over cases on the grounds that the amount in controversy in those cases exceeded the jurisdictional threshold only when assessed from the viewpoint of the defendant.

For example, a class action seeking injunctive relief that would require a defendant to restructure its business in some fundamental way might cost a defendant well in excess of $75,000 under current law, but might have substantially less value to each plaintiff or even to the class of plaintiffs as a whole. Because S. 5 explicitly allows aggregation for the purposes of determining the amount of controversy in class actions, that concern is no longer relevant.

To the extent plaintiffs seek to avoid this rule by framing their cases as individual actions for injunctive relief, most Federal courts have properly held that in an individual case the cost of injunctive relief is viewed from the defendant's perspective. This legislation extends that principle to class actions as well.

The same approach would apply in a case involving declaratory relief. In determining how much money a declaratory relief case puts in controversy, the Federal court should include in its assessment the value of all relief and benefits that would logically flow from the granting of the declaratory relief sought by the plaintiffs.

For example, a declaration that a defendant's conduct is unlawful or fraudulent will carry certain consequences, such as the need to cease and desist from that conduct that will often cost the defendant in excess of $5 million; or a declaration that a standardized product sold throughout the Nation is defective might well put a case over the $5 million threshold, even if the class complaint did not affirmatively seek a determination that each class member was injured by the product.

The bottom line is that new section 1332(d) is intended to substantially expand Federal court jurisdiction over class actions, not to create loopholes. This provision should be read broadly, with a strong preference that interstate class actions should be heard in a Federal court if properly removed by a defendant.

Mr. GOODLATTE. Madam Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Madam Speaker, I would also like to discuss the home State exception in the legislation.

New subsections 1332(d)(3) and (d)(4)(B) address the jurisdictional principles that will apply to class actions filed against the defendant in its home State, dividing such cases into three categories.

First, for cases in which two-thirds or more of the members of the plaintiff class and the primary defendants are citizens of the State in which the suit was filed, section 1332(d)(4)(B) states that Federal jurisdiction will not be extended by S. 5. Such cases will remain in State courts.

Second, cases in which more than two-thirds of the members of the plaintiff class are not citizens of the State in which the action was filed will be subject to Federal jurisdiction. Federal courts should be able to hear such lawsuits because they have a predominantly interstate component. They affect people in many jurisdictions, and the laws of many States will be at issue.

Finally, there is a middle category of class actions in which more than one-third, but fewer than two-thirds, of the members of the plaintiff class and the primary defendants are all citizens of the State in which the action was filed. In such cases, the numbers alone may not always confirm that the litigation is more fairly characterized as predominantly interstate in character. New subsection 1332(d)(3), therefore, gives Federal courts discretion in the interests of justice to decline to exercise jurisdiction over such cases based on the consideration of five factors.

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Madam Speaker, I would ask the chairman to explain these factors.

Mr. SENSENBRENNER. Reclaiming my time, Madam Speaker, I am pleased to answer the gentleman.

The first factor is whether the claims asserted are of significant national or interstate interest. Under this factor, if a case presents issues of national or interstate significance that argues in favor of the matter being handled in Federal Court, for example, if a class action alleges a nationally distributed pharmaceutical product caused side effects, those cases presumably should be heard in Federal court because of the nationwide ramifications of the dispute and the potential interface with Federal drug laws.

Under this factor, the Federal court should inquire whether the case does present issues of national or interstate significance of this sort. If such issues are identified, that point favors the exercise of the Federal jurisdiction.

The second factor is whether the claims asserted will be governed by laws other than those of the forum State. The sponsors believe that one of the significant problems posed by multistate class actions in State court is the tendency of some State courts to be less than respectful of the laws of other jurisdictions, applying the law of one State to an entire nationwide controversy and thereby ignoring the distinct and varying State laws that should apply to various claims included in the class, depending upon where they arose.

Under this factor, if the Federal court determines that multiple State laws will apply to aspects of the class action, the determination would favor having the matter handled in the Federal court system, which has a record of being more respectful of the laws of various States in the class action controversy. Conversely, if the court concludes that the laws of the State to which the action was filed will apply to the entire controversy, that factor will favor keeping the case in State court.

The third factor is whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction. The purpose of this inquiry is to determine whether the plaintiffs have proposed a natural class, a class that encompasses all the people and claims that one would expect to include in a class action, as opposed to proposing a class that appears to be gerrymandered solely to avoid Federal jurisdiction by

leaving out certain potential class members or claims.

If the Federal court concludes that evasive pleading is involved, that factor would favor the exercise of Federal jurisdiction. On the other hand, if the class definition and claims appear to follow a natural pattern, that consideration would favor allowing the matter to be handled by a State court.

The fourth factor is whether there is a distinct nexus between, A, the forum where the action was brought, and, B, the class members, the alleged harm or the defendants. This factor is intended to take account of a major concern that led to this legislation, the filing of lawsuits in the out-of-the-way magnet State courts that have no real relationship to the controversy at hand.

Thus, if a majority of the proposed class action members and the defendants reside in the county where the suit is brought, the court might find a distinct nexus exists. The key to this factor is the notion of there being a distinct nexus. If the allegedly injured parties live in many other localities, the nexus is not distinct, and this factor would weigh heavily in favor of the exercise of Federal jurisdiction over the matter.

The fifth factor is whether the number of citizens in the forum State in the proposed plaintiff class is substantially larger than the number of citizens from any other State, and the citizens of the other members of the proposed class is dispersed among a substantial number of States.

This factor is intended to look at the geographic distribution of class members in an effort to determine the forum State's interest in handling the litigation. If all of the out-of-State class members are widely dispersed among many other States, that point would suggest that the interest of the forum State in litigating the controversy are preeminent.

The sponsors intend that such a conclusion would favor allowing the State court in which the action was originally filed to handle the litigation. However, if a court finds that the citizenship of the other class members is not widely dispersed, then a Federal forum would be more appropriate because several States other than the forum State would have a strong interest in the controversy.

The final factor is whether one or more class actions asserting the same or similar claims on behalf of the same or other persons have been filed in the last 3 years. The purpose of this factor is to determine whether a matter should be subject to Federal jurisdiction so that it can be coordinated with other overlapping or parallel class actions.

If the other class actions on the same subject have been or are likely to be filed elsewhere, the sponsors intend that this consideration would strongly favor the exercise of Federal jurisdiction. It is the sponsors' intention that this factor be broadly interpreted and that plaintiffs not be able to plead around it with creative legal theories.

If a plaintiff brings a product liability suit alleging consumer fraud or unjust enrichment, and another suit was previously brought against some of the same defendants alleging negligence with regard to the same product, this factor would favor the exercise of Federal jurisdiction over the later-filed claim.

Madam Speaker, I now yield to my colleague, the gentleman from Virginia (Mr. BOUCHER), to provide some examples that illustrate how these six factors would work in litigation.

Mr. BOUCHER. Madam Speaker, I thank the gentleman for yielding to me, and I will be pleased to provide two examples.

Suppose that a California State court class action were filed against a California pharmaceutical drug company on behalf of a proposed class of 60 percent California residents and 40 percent Nevada residents alleging harmful side effects attributed to a drug sold nationwide.

In such a case, it would make sense to leave the matter in Federal court. After all, the State laws that would apply in all of these cases would vary, depending on where the drug was prescribed and purchased. As a result, allowing a single Federal court to sort out such issues and handle the balance of the litigation would make sense both from added efficiency and a federalism standpoint.

Now, suppose, in a second example, a checking account fee disclosure class action were filed in a Nevada State court against a Nevada bank located in a border city, and the class consisted of 65 percent Nevada residents and 35 percent California residents who crossed the border in order to conduct transactions in the Nevada bank.

In this hypothetical, it might make sense to allow that matter to proceed in State court. It is likely that Nevada banking law would apply to all of these claims, even those of the California residents, since all of the transactions occurred in the State of Nevada. There is also less likelihood that multiple actions will be filed around the country on the same subject so as to give rise to a coordinating Federal multidistrict litigation proceeding.

Mr. GOODLATTE. Madam Speaker, if the chairman would continue to yield.

Mr. SENSENBRENNER. I yield to the other gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding to me. I think those examples really reflect the intent of the legislation.

Madam Speaker, the legislation also includes a local controversy exception which is intended to ensure that truly local class actions can remain in State court under the legislation. Under this provision, Federal courts are instructed not to exercise jurisdiction over cases that meet all of the following four criteria:

First, more than two-thirds of the class members must be the citizens of the State where the suit is brought; second, there must be at least one in-State defendant from whom significant relief is sought by members of the class and whose conduct forms a significant basis of plaintiffs' claims; third, the principal injuries resulting from the alleged conduct or related conduct of each defendant must have occurred in the State where the action was originally filed; and, fourth, no other class action has been filed during the preceding 3 years asserting the same or similar factual allegations against any of the defendants.

Madam Speaker, I would ask that the chairman elaborate on these criteria.

Mr. SENSENBRENNER. Madam Speaker, reclaiming my time, yes, this provision is intended to respond to concerns that class actions with a truly local focus should not be moved to Federal court under this legislation because State courts have a strong interest in adjudicating such disputes. At the same time, this is a narrow exception that was carefully drafted to ensure that it does not become a jurisdictional loophole. Thus, each of the criteria is intended to identify a truly local class action.

First, there must be a primarily local class. Secondly, there must be at least one real local defendant. And by that the drafters meant that the local defendant must be a primary focus of the plaintiffs' claims, not just a retailer or other peripheral defendant. The defendant must be a target from whom significant relief is sought by the class, as opposed to just a subset of the class membership, as well as being a defendant whose alleged conduct forms a significant basis for the claims asserted by the class.

For example, in a consumer fraud case, alleging that an insurance company incorporated and based in another State misrepresented its policies, the local agent of the company named as a defendant presumably would not fit this criteria. He or she probably would have had contact with only some of the purported class members and, thus, would not be a person from whom significant relief would be sought by the plaintiff class viewed as a whole. And, from a relief standpoint, the real demand of the full class in terms of seeking significant relief would be on the insurance company itself.

Third, the principal injuries resulting from the actions of all the defendants must have occurred in the State where the suit was filed. This criterion means that all or almost all of the damage caused by the defendants' conduct occurred in the State where the suit was

brought. If defendants engaged in conduct that allegedly injured consumers throughout the country, the case would not qualify for the local controversy exception, even if it was only brought as a single State class action.

And, fourth, no other class action involving similar allegations has been filed against any of the defendants over the last 3 years. In other words, if we are talking about a situation that results in multiple class actions, those are not the types of cases that this exception is intended to address. I would like to stress that the inquiry under this criterion should not be whether identical or nearly identical class actions have been filed. Rather, the inquiry is whether similar factual allegations have been made against the defendant in multiple class actions, regardless of whether the same causes of action were asserted or whether the proposed plaintiff classes in the prior case was the same.

Madam Speaker, I yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding once again.

Madam Speaker, in this regard I think it is important to note that the exceptions in this legislation are just that, exceptions, and they should not be interpreted in ways that turn them into loopholes. For example, the legislation excludes actions against States. Obviously, this does not mean that plaintiffs can simply name a State in every consumer class action and stay out of Federal court. To the contrary, Federal courts should proceed cautiously before declining Federal jurisdiction under the subsection 1332(d)(5)(a) ''state action'' case exception, and do so only when it is clear that the primary defendants are indeed States, State officials, or other governmental entities against whom the court may be foreclosed from ordering relief.

The sponsors intend that primary defendants be intended to reach those defendants who are the real targets of the lawsuit, i.e. the defendants who would be expected to incur most of the loss if liability is found. Thus, the term ''primary defendant'' should include any person who has substantial exposure to significant portions of the proposed class in the action, particularly any defendant that is allegedly liable to the vast majority of the members of the proposed classes, as opposed to simply a few individual class members.

It is the sponsors' intention with regard to each of these exceptions that the party opposing Federal jurisdiction shall have the burden of demonstrating the applicability of an exemption. Thus, if a plaintiff seeks to have a class action remanded on the ground that the primary defendants and two-thirds or more of the class members are citizens of the home State, that plaintiff has the burden of demonstrating that these criteria are met.

Similarly, if a plaintiff seeks to have a purported class action remanded because a primary defendant is a State, that plaintiff should have the burden of demonstrating that the exception should apply.

Mr. BOUCHER. Madam Speaker, if the gentleman from Wisconsin will yield once again.

Mr. SENSENBRENNER. I yield to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Madam Speaker, I thank the gentleman for yielding.

The principles that have just been enumerated apply to another provision that I would like to discuss, the mass action provision. Under this provision, defendants will be able to remove mass actions to Federal court under the same circumstances in which they will be able to remove class actions.

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However, a Federal court would only exercise jurisdiction over these claims that meet the $75,000 minimum. In addition, a mass action cannot be removed to Federal court if it falls under one of the following four categories: number one, if all of 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 in contiguous States;

number two, if it is the defendants who seek to have the claims joined for trial;

number three, if the claims are asserted on behalf of the general public pursuant to a State statute authorizing such an action;

and, number four, if the claims have been consolidated or coordinated for pretrial purposes only.

I would appreciate the gentleman from Wisconsin clarifying how the $75,000 amount in controversy minimum would apply to assessing whether Federal jurisdiction exists over a mass action, and, most importantly, explaining the intent of the sponsors with regard to the first and third exceptions.

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, I will be happy to explain.

The mass action provision was included in the bill because mass actions are really class actions in disguise. They involve an element of people who want their claims adjudicated together, and they often result in the same abuses as class actions. In fact, sometimes the abuses are even worse because the lawyers seek to join claims that have little to do with each other and confuse a jury into awarding millions of dollars to individuals who have suffered no real injury.

Here is how the mass action provision and the current amount-in-controversy provision would work in tandem: suppose 200 people file a mass action in Mississippi against a New Jersey drug manufacturer and also name a local drug store. Three of them assert claims for a million dollars apiece, and the rest assert claims of $20,000.

The Federal Court would have jurisdiction over the mass action because there are more than 100 plaintiffs, there is minimal diversity, and the total amount of controversy exceeds $5 million, and a product liability case does not qualify for the local occurrence exception in the provision.

Then the question becomes, which claims would, in the mass action, the Federal judge keep in Federal Court, and which would be remanded? At this point the judge would have to look at each of the claims very carefully and determine whether or not they meet the $75,000 minimum.

In this regard, I would note that the plaintiffs often seek to minimize what they are seeking in the complaint so that they can stay in State court. For example, sometimes plaintiffs leave their claim for punitive damages off the original complaint to make it seem like their claims are smaller than they really are.

It is our expectation that a Federal judge would read a complaint very carefully and only remand claims that clearly do not meet the $75,000 threshold. If it is likely that a plaintiff is going to turn around in a month and add an additional claim for punitive damages, the Federal court should obviously assert jurisdiction over that individual's claims.

Finally, I would like to stress that this provision in no way is intended to abrogate 8 United States Code 3867 to narrow current jurisdictional rules. Thus, if a Federal court believed it to be appropriate, the court could apply supplemental jurisdiction in the mass action context as well.

With regard to the exceptions, it is our intent that they be interpreted strictly by a court so that they do not become loopholes for an important jurisdictional provision. Thus, the first exception would apply only in a situation where we are talking about a truly local single event with no substantial interstate effects.

The purpose of this exception is to allow cases involving environmental torts, such as a chemical spill, to remain in State court if both the event and the injuries were truly local, even though there are some out-of-state defendants.

By contrast, this exception would not apply to a product liability or insurance case. The sale of a product to different people does not qualify as an event, and the alleged injuries in such a case would be spread out over more than one State or contiguous States even if all of the plaintiffs in a particular case came from one single State.

The third exception addresses a very narrow situation, specifically a law

like the California Unfair Competition Law, which allows individuals to bring a suit on behalf of the general public. Such a suit would not qualify as a mass action. However, the vast majority of cases brought under other States' consumer fraud laws which do not have a parallel provision could qualify as removable class actions.

I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding.

Finally, Mr. Speaker, some critics have complained that the legislation removal provisions will result in delay. Can the gentleman explain why that is simply not the case?

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, once again, critics of the legislation have it backwards. This legislation will streamline jurisdictional inquiries by putting an end to all of the gaming that takes place under the current system, and the so-called delay refers to procedural rules that already exist under the current system.

Under existing law, diversity of citizenship between the parties must exist, both at the time a complaint is filed and at the time a complaint is removed to Federal court. However, if the plaintiff files an amended complaint in State court that creates jurisdiction, or if subsequent events create jurisdiction, the defendant can then remove the case to Federal court.

Current law is also clear that once a complaint is properly removed to Federal court, the Federal court's jurisdiction cannot be ousted by later events. Thus, for example, changes in the amount of controversy after the complaint has been removed would not subject a lawsuit to be remanded to State court.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for his leadership in moving this legislation forward and in working with the Senate to accomplish that as well.

I hope this colloquy will provide guidance on the very important jurisdictional provisions in S. 5 and the sponsor's intent.

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

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to my good friend, the gentleman from Massachusetts (Mr. MARKEY) from the Committee on Energy and Commerce. He has worked with us on many of these issues.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Michigan for yielding, and I thank him for his leadership on this most critical of all consumer issues before Congress this year.

So you have all heard now the technical arguments made by the Bush administration proponents here on the House floor. So you have heard the Bush administration argument on why this is good.

Now, you want to hear what the bill is really about? Do you want to hear what the Bush administration is really interested in? Well, here it is, ladies and gentlemen. Citigroup's Smith Barney subdivision: ''Tobacco. Flash—Senate Just Passed Class Action Bill—Positive For Tobacco.'' Let me read it to you:

''The Senate just passed a bill, 72–26.'' This has gone out from Smith Barney to all their investors. ''This bill is designated to funnel class action suits with plaintiffs in different States out of State courts and into the Federal court system, which is typically much less sympathetic to such litigation.

''The practical effect of the change could be that many cases will never be heard given how overburdened Federal judges are, which might help limit the number of cases.''

Smith Barney advised its clients that this bill will be positive in general for the tobacco industry and that tobacco stocks have rallied on this favorable news given that this bill could have a positive impact on tobacco litigation.

That is what it is all about, ladies and gentlemen. You heard the technical defense of it for the last half hour. The impact is they are trying to protect the tobacco industry from being sued. So if you are out there, one of your family members has just found that they have a spot on their lung, they have smoked for the last 20 or 30 years, what this bill will do is it will make it more difficult for you and the other people in your States who also have found that they have spots on their lungs to get together to sue the tobacco companies.

If your children are beginning to smoke, they are 13, 14, 15, this bill is intended to make it more difficult for the people in the State of New Hampshire, or Kansas, or Oklahoma to bring a suit to stop it. That is what it is all about. Smith Barney gives the good news to the tobacco industry investors, not to smokers.

And so what they have done is this. It is brilliant in the Bush administration and that is what this side of the aisle is all about. The FDA, is it going to move in to regulate tobacco? No, they made sure they appoint people who will not do it. The EPA, are they going to move in to make sure that the oil industry does not pollute your groundwater so that the children in your neighborhood do not contract leukemia; that breast cancers do not rise? No. Are they going to have a Department of Labor which protects you against asbestos in the workplace? No.

You are not going to see those suits, ladies and gentlemen. So it comes to you and your families to go to court. And what this bill is intended to do is to not let you go to court. So it is perfect. If you are an asbestos company, your stocks are going up. If you are a tobacco company, your stocks are going up. If you are an oil company, a chemical company, your stocks are going up. Smith Barney gives you the good news, Mr. and Mrs. Investor of America.

But if you are afraid for the health of your family, if you know that the groundwater in New Hampshire has been poisoned by Amerada Hess and 22 other oil companies that are not in New Hampshire, you know what the Republicans say? You know what the Bush administration says? The case should not be held in New Hampshire. If Amerada Hess, the big oil company, is a defendant, the case should be outside of New Hampshire, not protecting the person whose family's health has been injured.

And so that is what it is all about. It is the final payback to the tobacco industry, to the asbestos industry, to the oil industry, to the chemical industry at the expense of ordinary families who need to be able to go to court to protect their loved ones when their health has been compromised. And these people are saying, your State is not smart enough, your jurors are not smart enough to understand how the MTBE ruined the groundwater in their State and poisoned thousands of people, that it has to go to a State where Amerada Hess or some large oil company feels comfortable, because they are not headquartered in New Hampshire, they do not have a large plant in New Hampshire. All they did was sell the material which poisoned your neighborhood.

That is what it is all about, ladies and gentlemen. You just watch across the board every single interest that harms the health and well-being of America skyrocket as soon as we take the vote on final passage of this bill today because President Bush is going to sign this bill with great joy because the oil, the chemical and polluting industries are going to be happy.

INDUSTRY NOTE: TOBACCO—SENATE JUST PASSED CLASS ACTION BILL—POSITIVE FOR TOBACCO

(By Bonnie Herzog)

SUMMARY

The Senate just passed a bill 72–26 which is designed to funnel class-action suits with plaintiffs in different states out of state courts and into the federal court system, which is typically much less sympathetic to such litigation.

The practical effect of the change could be that many cases will never be heard given how overburdened federal judges are, which might help limit the number of cases.

Although this news is positive in general for the tobacco industry, we do not necessarily believe that class actions pose a big threat to the industry. Furthermore, this type of legislation would have been a bigger help to the industry if it was passed 10 years ago.

The bill now moves to the House floor and the chances are high that it passes since the House Republican leadership said last week that it would pass the Senate's version of this legislation as long as there were no amendments.

OPINION

The Senate just passed a bill that is designed to funnel class-action lawsuits with plaintiffs in different states out of state courts and into the federal court system, which is historically much less sympathetic to such litigation.

The practical effect of the change could be that many cases will never be heard, which might also be positive for tobacco companies. Federal judges, facing overburdened dockets and ambiguities about applying state laws in a federal court, often refuse to grant standing to class-action plaintiffs.

Therefore, tobacco stocks have rallied on this favorable news given that this bill could have a positive impact on potential future tobacco litigation.

Now the bill should move to the House floor and apparently the House Republican leadership announced last week that the GOP majority in that chamber will pass the Senate's version of class-action litigation provided it arrives without amendments and from what we hear, this is in fact what has happened in the Senate. Obviously President Bush has been a big proponent of this type of legislation so we would assume that he would sign it as part of a broader fight that he hopes will lead to limits on awards in asbestos cases and to caps on pain-and-suffering awards in medical malpractice cases.

Although positive in general terms for the tobacco companies, clearly this type of legislation would have been much more useful if it were passed 10 years ago.

ANALYST CERTIFICATION

I, Bonnie Herzog, hereby certify that all of the views expressed in this research report accurately reflect my personal views about any and all of the subject issuer(s} or securities. I also certify that no part of my compensation was, is, or will be directly or indirectly related to the specific recommendation(s) or view(s) in this report.

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Mr. SENSENBRENNER. Mr. Speaker, I always thought that Federal judges protected the rights of everybody.

Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, to understand the need for S. 5, we need to understand the game the class action lawyers play here and how they go about abusing the court systems. I call it Class Action Monopoly. Here is how it works. They start at Go. The first thing they do is come up with an idea for a lawsuit. And then they find a named plaintiff. It does not have to be someone who is actually injured in the process. All the lawyer really needs is an idea for a lawsuit and potential defendants who have deep pockets.

Next they find a person who is the named plaintiff. That named plaintiff is a citizen of the same State as one of the defendants and that puts them in the State court, which is where they want to be. Sometimes they have to promise to pay off that named plaintiff at this point, but that is all part of the game.

Next the lawyers level their allegations, both in court and in the media. Remember, they do not have to have proof for their allegations. They just need a forum in which to make the allegations. Now the real fun begins after you have made the allegations. They are in State court with the named plaintiffs and their allegations, and it is time to get out of rule 23 free.

Rule 23 is the rule that would apply in Federal courts that defines when a class action can be certified consistent with fundamental fairness and due process considerations. But in this game, there is no fairness. There is no due process. So they easily convince their magnet State to certify that they have a class and at the same time they file copycat lawsuits in State courts all over the country. These are the same class actions asserting the same claims on behalf of the same people. These copycat lawsuits clog the State courts.

□ 1115

At this point in the game, the lawyers start making the money. Let us see where the money goes.

In the Columbia House record case, the lawyers took home $5 million and the plaintiffs got a coupon for discounts on future purchases of records.

In the Blockbuster case, the lawyers walked away with $9.25 million, and the plaintiffs again got a coupon for $1 off their next video rental, coupons that the defendant probably would have issued anyway.

In the Bank of Boston case, the lawyers settled the case and took home $8.5 million. And the customers had money deducted from their mortgage accounts to pay off the lawyers. So in the end, a State court approved these cases, and all of the consumers in the lawsuit lost money.

People may be wondering what happens to them in this game. We already know that if one is a consumer, in the consumer class, they will be lucky if they get a dollar-off coupon. If the business one works for gets sued in one of the class actions, their employer is going to take a major hit and maybe even lay them off. It is that clear in some of these cases, the basic result is that the lawyers will get lots of money, but consumers will pay because health care and car insurance premiums will go through the roof. And when the game comes to an end, they are left with no money and the lawyers are at ''go'' and they get to start the process all over again.

It is fundamentally important that we resolve this problem and help America move forward. I urge support of S. 5.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in opposition to S. 5.

The sponsors of this bill call it the Class Action Fairness Act, but nothing about this bill is fair, especially for the victims of corporate wrongdoing. This bill erects a nearly insurmountable barrier for everyday Americans, who have been hurt or wronged, to have their day in court. Thanks to the so-called Class Action Fairness Act, people who have had their civil rights trampled on will no longer be able to bring their claims to State court. It does not matter if the laws of their home State provide better civil rights protections or that it may be more convenient for the victims of discrimination to seek justice in a court where they live. With S. 5 they must go to Federal court.

The same burden is put on the backs of hourly wage workers who sue for back pay that they are owed. These folks are struggling to put food on their family's table, and they almost certainly cannot afford the high cost of multistate litigation. With S. 5 they, too, must bring their claims to a Federal court that may not even be in their State just so that they can get the back pay that they do.

I ask all the proponents of this bill, is that their idea of fairness?

Let us be real. S. 5 is not about reducing venue shopping. It is not about the mythical scourge of predatory plaintiffs' lawyers, and it is not about the fabricated economic drain of excessive jury awards. What this bill really is about is doing a favor for unscrupulous, negligent corporations by making it harder for their victims to sue them. It is protecting big businesses who are guilty of wrongdoing from liability.

I am a lawyer and I acknowledge that there are some members of my profession who file frivolous suits. But if the lawyers are the ones that they claim are ruining this legal system, why are the sponsors of this bill making it harder for the victims?

This bill makes about as much sense as locking the door of a hospital in order to lower health care costs. Kicking people out of the system does not solve the problem, and that is exactly what S. 5 does. It penalizes the victims of wrongdoing without doing anything to improve our legal system, and it shields bad actors from having to face the consequences of their action. Where is the personal responsibility? That is why I oppose this bill.

I urge all of my colleagues to vote ''no'' on the final passage and to vote ''yes'' on the Conyers substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER).

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

Mr. Speaker, the bottom line is that class action reform is badly needed. Currently, crafty lawyers are able to game the system by filing large, nationwide class action suits in certain preferred State courts such as Madison County, Illinois, where judges are quick to certify classes and quick to approve settlements that give the lawyers millions of dollars in fees and give the clients worthless coupons.

Let us take a look at Madison County, Illinois with this chart. Madison County, Illinois has been called the number one judicial hellhole in the United States. In 2002 we can see there

were 77 class action filings, and in 2003 there were 106 class action lawsuits filed. The movie ''Bridges of Madison County'' was a love story. The ''Judges of Madison County'' would be a horror flick.

Unfortunately, all too often it is the lawyer who drives these cases and not the individuals who are supposedly hurt. For example, in a suit against Blockbuster over late fees, the attorneys received for themselves $9.25 million, while their clients got a $1-off discount coupon. Similarly, in a lawsuit against the company who makes Cheerios, the lawyers received $2 million for themselves; predictably their clients received a coupon for a box of Cheerios.

In a nutshell, these out-of-control class action lawsuits are killing jobs, they are hurting small business people who cannot afford to defend themselves, they are hurting consumers who end up paying higher prices for goods and services.

This legislation provides much-needed reform in two key areas. First, it eliminates much of the forum shopping by requiring most of these nationwide class action suits to be filed in federal court. And, second, it cracks down on these coupon-based class action settlements by requiring fee awards to be based on the number of coupons actually redeemed or the number of hours actually billed.

Mr. Speaker, I urge my colleagues to vote ''yes'' on this class action reform legislation. It is about common sense, it is about justice, and it is about time.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

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

Mr. Speaker, we hear all this hoopla about these coupon settlements, but we do not hear any suggestion as to what to do about them. There are a lot of situations where corporations are ripping people off for small amounts of money.

For example, if a person at a checkout counter calibrates the machine to just cheat one out of a few cents, what is one's recovery in that case? Just a few cents. And the only way one can stop that is with a class action. But they would suggest there is no point in bringing the class action; as long as they did not rip them off for too much, they ought to get away with it.

Furthermore, a lot of these coupon settlements are in Federal courts anyway, so there is not going to be much change. But some of these coupon cases are the only way that we can rein in corporate abuse.

But this bill just increases complications in a gratuitous way. It took a half an hour for the proponents to explain when it is a class action and when it is not a class action. In normal cases they file it in State court. Either they certify it or not, and then one goes forward. There is not much complication. But this invites mischief. Whether it is really a class action or not, remove it anyway, and let the Federal courts mess around with it and mess around with it and mess around with it. They may never get their day in court. And if they do not certify it, what happens to one's case? They may not be able to get back to State court. So the fact that they did not certify a class action will deny one the right to even have their day in court.

This complicates venue. They do not know where the case is going to be heard. It could be that an injury happens in one State, they have corporations in that State involved, they have State plaintiffs, and here one has to go chasing around, trying to figure out where they are going to be.

The Attorneys General across the States, 47 Attorneys General in States and territories, have come out against the bill because it puts the Attorneys General in the same crack. They do not know where the case is going to be heard. If they bring a State action in State court, they may get removed. Some of the States have better wage laws, civil rights laws, sometimes consumer protections, and if the Attorneys General want to come in to protect their own citizens in their own States, they ought to have that right and not get jerked around to Federal court.

Finally, Mr. Speaker, some Federal courts are more clogged up than State courts. Some in the same area, the State courts are more clogged up than the Federal courts. Why do we have to always go into Federal court on these cases rather than have some kind of choice? Every time we have a criminal case, it will take preference over the civil cases. And in some cases where we have some terrorist cases or a backlog of Federal cases, one may never get to hear their case in Federal court.

If we want consumers to get timely justice, we need to defeat this bill, and I hope that is what we do.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I rise in opposition to S. 5, the Class Action Fairness Act. Despite its name, this bill is anything but fair to the class action device that has provided redress to large numbers of American citizens who have been harmed by the same defendant or a group of defendants.

Class action procedures have made it possible for injured Americans to aggregate small claims that might not otherwise warrant the expense of individual litigation. This bill before us will effectively undermine the utility, practicality, and choice the class action mechanism has offered to injured persons with legitimate claims against powerful entities.

There appear to be improvements in this bill from the bill we considered last Congress; yet there could and should be more improvements. But the trend thus far this session is to dispense with regular order, deny committee consideration, and to leave Members with 1 to 2 minutes to hurriedly voice our concerns. I can guarantee my colleagues, having practiced law for over 20 years, that the core provisions of this bill will invite prolonged satellite litigation into ill-defined or undefined terms in this bill, clogging the Federal courts and denying prompt justice to worthy claimants.

For example, where ''significant relief'' is sought against a home State defendant, the court has no jurisdiction. What is significant and what is not significant? Also, and worse in my judgment, no longer will a coherent description of the class be sufficient before the trial on the merit proceeds. Under the bill the judge must first know with certainty the absolute number of the plaintiff class, because whether he may or must decline to hear the case depends on whether a ''magic'' number of plaintiffs are citizens of the State where the lawsuit was filed. There are other examples too complicated to address here in the time that we have available.

But let me just say that juxtaposed against the smattering of cases paraded by the supporters of this bill as justification for this upheaval in our justice system are countless class action lawsuits by principled attorneys and courageous plaintiffs that have exposed deliberate wrongdoing, obtained justice for American citizens, and vindicated the values of fair play and equal justice that define our society.

America is distinguished from other countries because of its legal system both criminal and civil. Is it perfect? No. But the majority wages countless legislative assaults on the entire system rather than confined, deliberative, surgical repairs. Under this bill, one bad judge, we condemn all of the judges in the system. One excessive jury award, let us overhaul the entire jury system. One irresponsible lawyer, let us punish all lawyers. And here let us take these actions without any committee hearings, markup, or debate. What could be more irresponsible to our constituents?

Whatever happened to the notion that we were making our court systems convenient to people? In some of our States, the Federal courts are far removed from the places where individual litigants live. And what is it with the notion all of a sudden that my States rights friends believe that the Federal courts and the Federal Government can solve every problem in our society? That is just simply absurd, inconsistent with any kind of consistent philosophy about federalism.

I think we should defeat this flawed bill, and I thank the gentleman for yielding me this time.

□ 1130

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman for yielding me time, even though I am in opposition to his position and favor this bill. This is not a radical bill, nor is it regressive. In fact, it is a reasonable compromise designed to address what is an abuse of the judicial system. That is why The Washington Post endorses this bill. It is why the Democratic Senators from New York, California, and Illinois all voted for the bill. In fact, Democratic Senators representing 19 States voted for this bill in the other body. Why did they do this? Because they believe on balance that consumers are going to be better represented in Federal courts.

And this notion that somehow State courts are going to be more inclined to represent consumer interests rather than Federal courts on issues like tobacco and civil rights and so on, I do not think history proves that to be the case.

I am particularly sensitive to these charges that this bill is going to inhibit civil rights actions. Clearly if we look at history, it is the Federal courts that have been far more insistent upon enforcement of civil rights than State courts. Even recently in the Home Depot case, a gender-discrimination case, it was settled with a $65 million settlement, filed in Federal court. The Coca-Cola racial-discrimination settlement, which guaranteed each class member recovery of at least $38,000, was achieved in Federal court.

Contrast that to the Bank of Boston case, where the depositors in Boston were not even aware they were members of a plaintiff class, where a lawyer filed suit down in Alabama supposedly representing their interest, and they found out when they had their bank account reduced by $90; $90 was taken out of the mortgage escrow account from these depositors to pay the lawyers when they were not even aware they were a member of the plaintiff's suit, and the lawyer walks off with $8.25 million. That is judicial abuse, and that is what this bill corrects.

This is a reasonable bill. The fact is that in so many State and local courts, they do not have the resources to go through the mountains of evidence that have to be presented in class action suits. In Federal courts they are far more likely to have those resources. They have court clerks and they can hire magistrates that can go through all of the evidence.

There has been far too much abuse where judges have certified these settlements at the tort lawyer's request and then, the defendant has to settle for large sums of money. That is not the way it is supposed to work.

On balance, I think the judicial system will be far more fair, responsible, and reasonable under this compromise bill; so I would urge my colleagues, particularly on the Democratic side, to support this bill.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute. I would like to respond to my good friend, the gentleman from Virginia (Mr. MORAN).

First of all, I think the NAACP and the civil rights groups will be eager to find out that his wisdom is superior to their experience in the civil rights movement. What the gentleman was suggesting may have been correct a number of years ago, but I would point out to the gentleman that the Federal courts more recently have not been as desirable a forum for civil rights activities.

The Bank of Boston case, that was 10 years ago and an anomaly. There are not other examples of class actions where class members lost money. No other court has made the same mistake. I would urge that neither the gentleman nor any of us rewrite class action rules because of one mistake.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I heard an earlier speaker refer to class actions as a game. Try telling that to the 9-year-old son of Janet Huggins, a 39-year-old healthy Tennessee mother who took Vioxx and died in September 2004. Tell her family that the effort to protect her family is a game. This is not a game. This is flesh and blood, the ability to protect your family when something happens to you that you did not have anything to do with.

This bill is the Vioxx Protection Bill. It is the Wal-Mart Protection Bill. It is the Tyco Protection Bill. It is the Enron Protection Bill. Anyone in the State of Washington who saw what Enron did to us, stealing $1 billion, should not be voting for this bill, because this bill in many ways is the Just Say No Bill to People Who Are Injured By Rapacious Wrongdoers.

In three ways it says ''just say no'' to consumers who were hurt by Enron, because in the Federal courts, if you happen to be in a plaintiff's group of multiple States and the laws are a little different in the States, do you know what the Federal courts do? They throw out the class action.

Do you want to know why the Chamber of Commerce is spending $1 billion to lobby on what seems to be a procedural issue? Because they throw out class actions where there is any difference in States, meaning you will not be able to have a class action anywhere, anywhere, Federal or State.

Why is this so important? I liken this to right now you have two arms to protect Americans, the State judicial system and the Federal judicial system. This reduces by half the resources that are available to Americans to get redress when Enron steals from them or when Vioxx kills them.

On 9/11, did we respond to September 11 by taking out city police officers and only having the FBI? On 9/11, did we respond by not having local fire departments and only having the Coast Guard or Army fire department? No. We recognized that in our system of federalism, Americans deserve the full protection, not just half the protection.

This cuts the available judicial resources in half. Why is that important? The second reason it just says no to injured Americans is the Federal courts cannot handle these class actions. They do not have enough courts and judges. You go down and ask how long you will wait today to get into a Federal court. Then add about 4 or 5 years after this bill if this bill were to come into effect. You just say no because it takes the keys away from the courthouse.

The third reason it just says no to good American citizens is it takes from the State attorneys general their ability to protect people. That is why the States attorneys general, Republican and Democrat alike, are adamantly opposed to this bill, because this bill takes cops off the beat; attorneys generals whose job it is to protect us from what Roosevelt called the ''malefactors of great wealth'' are off the beat.

Mr. Speaker, we should reject this bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary and a ranking subcommittee member.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for the time that he has spent on this legislation. I think we have seen this come across our desks for a number of sessions, and we have tried to work in a bipartisan manner in order to find a way to respond to some of the larger class actions that are now proceeding before us in the courts.

Mr. Speaker, let me start out by trying to address some of the large dilemmas that have seemingly been the underpinnings of this overhaul of a system that is not broken.

I know some two or three sessions ago we were in the midst of conversations about the asbestos lawsuits. Frankly, I believe that with a reasonable dialogue and exchange, we were nearing some sort of resolution that would have allowed that heinous series of events over the years, the asbestos poisoning for many, many workers, to be brought to a conclusion.

For some reason, those favoring class action reform want to paint with a

broad brush the victims, those who have been victimized by asbestos poisoning. Even today as we are looking to reconstruct some of the older buildings in my community, we are finding an asbestos problem. But because of the notice that was given through these class action lawsuits, we now have companies who are protecting workers who are going in trying to clean out asbestos. We would not have had that had we had not had this asbestos crisis.

It is the same thing with tobacco. Although there has been some humor about ''don't you know when to stop smoking,'' we know that for years and years, years and years, there was no labeling of cigarettes to suggest that they in fact caused cancer. So the tobacco lawsuits are not in fact frivolous. They may be high in return, but they are not frivolous.

This class action lawsuit legislation, I believe, is excessive and overreaching. What it simply wants to do is burden Federal courts without giving them any resources. There is nothing in this legislation that increases the funding of our Federal courts.

Take the southern district, for example. We are so overburdened with criminal cases, immigration cases, smuggling cases, drug cases, there is absolutely no room to orderly now prosecute or allow to proceed class action lawsuits from people who have been damaged enormously.

This legislation wants to federalize mass torts, that is thousands and thousands of people, when they realize that the compromise, for example, that was offered in the Senate, the Feinstein compromise, does not do anything, because what it says is you can go into State court if you can find one of the defendants of a large corporation in your State. If you happen to be a small State or maybe some State that is not the headquarters of corporate entities, like on the east coast, for example, you will find no defendant, so you will be languishing year after year after year trying to get into Federal court.

What it also does is minimizes the opportunity of those who can secure their local lawyer to get them into a State court and burdens them with the responsibility of finding some high-priced counsel that they cannot afford to try to understand Federal procedure law to get into the Federal court. It closes the door to the least empowered: the poor, the working class and the middle class.

What we find as well is that this legislation is much broader than is needed. Why close the door to those who are injured by the failings of products? Why close the doors to those who are injured by the mass and unfortunate activities of a company like Enron in my congressional district, penalizing thousands of workers all over America unfairly and giving them no relief, giving no relief to the pensioners who lost all of their dollars?

Mr. Speaker, what we have here is a response to no crisis, a response to no problem. Frankly, I believe that if we reasonably look at this legislation, we will find that all it does is it zippers the courthouse door.

To my good friend who mentioned that civil rights can take place wherever is necessary, let me just share with you that civil rights is not a popular cause; and, therefore, to then add it to get in line now with thousands of other cases, you can be assured that there will be a crisis.

Mr. Speaker, let me simply say I rise to support the substitute that has the civil rights carve-out, the wage-and-hour carve-out. It excludes non-action cases involving physical injuries, an attorney general carve-out, the anti-secrecy language; and in particular it does not allow companies to go offshore to avoid class action lawsuits.

Mr. Speaker, let me simply say this is a bill on the floor with no problem. But I can tell you, America, you are going to have a big problem once this bill is passed, and I am saddened by the fact that time after time we come to this floor and we close out the working people, we close out the middle-class, and we close out those who need relief.

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

Mr. Speaker, we have listened carefully to the discussion here, and it is very clear that one thing is for sure: this is not a simple procedural fix to class actions in our courts.

□ 1145

Another thing, it is clear that all of the totally unsatisfactory provisions have not been removed.

First, the bill, as the gentlewoman from Texas has said, harms working Americans and victims of discrimination who are in no position to bring individual actions of wage-and-hour cases or civil rights discrimination claims. Moving the cases to Federal court will result in many never being ever heard at all.

Many State laws provide better protection than Federal statutes. For example, 20 States provide protection for marital status and Federal law does not. Twenty-one States extend Federal definitions of national origin discrimination by including ancestry, place of birth, and citizenship status; and 31 States prohibit genetic discrimination in the workplace, not provided under Federal law.

Secondly, this bill closes the door on victims of large-scale personal injury cases resulting from accidents, environmental disasters, or dangerous drugs that are widely sold. Although these cases are filed in State courts under State law, the bill will treat them as class actions and throw them willy-nilly into the Federal court.

While harming victims of personal injury, this provision greatly helps the companies, like Merck, the company that manufactured the deadly drug Vioxx. 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 likely thousands more. However, under this proposal before us today, those who suffered harm from the drug will be denied their day in court and their ability to seek justice.

Finally, this bill makes it difficult for consumers to pursue claims against defendants who violated consumer protection laws. The bill will force many of these cases filed in State courts into the Federal system. But some Federal courts will not certify class actions involving the laws of multiple States because they deem the case too complex and unmanageable. Result: harmed consumers will never have their cases adjudicated in the courts.

It also makes it impossible for States to pursue actions against defendants who have caused harm to the State's citizens. State attorneys general often pursue these claims under State consumer protection statutes, antitrust laws, often with the attorney general acting as the class representative for the consumers of the State.

Under this bill, would we want these cases to be thrown into Federal court and severely impede the State's ability to enforce its own laws for its own citizens? That is what will happen. That is what will take place.

So I am very pleased to put in the RECORD the letter from the States attorneys general opposing this legislation, those attorneys general from California, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oklahoma, Oregon, Vermont, and West Virginia.

I would also like to add the letter from the environmental organizations which have made their case as to why this would be a very harmful measure. The signatories of this letter include the United States Public Interest Research Group, PIRG; the Wilderness Society; the Sierra Club; the National Environment Trust; Greenpeace; Friends of the Earth; and the National Audubon Society, and many others.

Finally, Mr. Speaker, I include in this debate from the Leadership Conference and the AFL–CIO, and the Alliance For Justice, all writing on one letter, and they plead with us in the House of Representatives to protect working men and women and civil rights litigants by opposing the measure that is before us.

Washington, DC, February 15, 2005.

DEAR REPRESENTATIVE: On behalf of the undersigned civil rights and labor organizations, we write to urge you to vote against the Class Action Fairness Act (S. 5), which passed the Senate last week. While the bill was pending before the Senate, we pushed for

an amendment offered by Senator Kennedy that would have exempted civil rights and wage and hour *state law* cases. Because the amendment was not adopted, we ask you to reject S. 5 in order to ensure that the Class Action Fairness Act does not adversely impact the workplace and civil rights of ordinary Americans by making it extremely difficult to enforce civil rights and labor rights.

During Congress' extensive examination into the merits of class action lawsuits, nowhere has a case been made that abuses exist in anti-discrimination and wage and hour class-action litigation. By allowing dozens of employees to bring one lawsuit together, the class-action device is frequently the only means for low wage workers who have been denied mere dollars a day to recover their lost wages. Moreover, class actions also are often the only means to effectively change a policy of discrimination. These suits level the playing field between individuals and those with more power and resources, and permit courts to decide cases more efficiently.

Wage and hour class actions are most often brought in state courts under the law of the state in which the claims arise. The reason is that state wage and hour laws typically provide more complete remedies for victims of wage and hour violations than the federal wage and hour statute. For instance, the federal Fair Labor Standards Act (FLSA) offers no protection for a worker who works 30 hours and is paid for 20, so long as the worker's total pay for the 30 hours worked exceeds the federal minimum wage. However, many states have ''payment of wage'' laws that would require that the worker be fully paid for those additional 10 hours of work. Also, federal law provides no remedy for part-time workers who often work 10–16 hour days, yet earn no overtime because they work less than 40 hours per week. At least six states and territories, however, including California and Alaska, require payment of overtime after a prescribed number of hours are worked in a single day.

Likewise, state laws increasingly provide greater civil rights protection than federal law. For example, every state has passed a law prohibiting discrimination on the basis of disability. Some of these state statutes provide a broader definition of disability and a greater range of protection in comparison to the federal Americans with Disabilities Act including California, Minnesota, New Jersey, New York, Rhode Island, Washington, and West Virginia. In addition, every state has enacted a law prohibiting age discrimination in employment, and some of these state laws—including those of California, Michigan, Ohio and the District of Columbia—contain provisions affording greater protection to older workers than comparable provisions of the federal Age Discrimination in Employment Act (ADEA).

In addition, many state laws provide protections to classifications not covered by federal law. For example, the following states provide protection for marital status: Alaska, California, Connecticut, Delaware, Florida, Hawaii, Illinois, Maryland, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oregon, Virginia, Washington, and Wisconsin. Moreover, several states have expanded Title VII's ban on national origin discrimination to prohibit discrimination on the basis of ancestry, or place of birth, or citizenship status. These states include Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Indiana, Kansas, Maine, Massachusetts, Missouri, New Jersey, New Mexico, Ohio, Pennsylvania, South Dakota, Vermont, West Virginia, Wisconsin, Wyoming, and the Virgin Islands.

Finally, 31 states have enacted legislation prohibiting genetic discrimination in the workplace—an important protection given the rapid increase in the ability to gather this type of information. The 31 states are Arizona, Arkansas, California, Connecticut, Delaware, Hawaii, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin. In addition, Florida and Illinois have enacted more limited protections against genetic discrimination.

Under S. 5, citizens are denied the right to use their own state courts to bring class actions against corporations that violate these state wage and hour and state civil rights laws, even where that corporation has hundreds of employees in that state. Moving these state law cases into federal court will delay and likely deny justice for working men and women and victims of discrimination. The federal courts are already overburdened. Additionally, federal courts are less likely to certify classes or provide relief for violations of state law.

In light of the lack of any compelling need to sweep state wage and hour and civil rights claims into the scope of the bill, which is done in the current bill, we urge you to vote against S. 5. In the event that amendments are offered, we support any amendment that, like the Kennedy amendment and others offered in the Senate, preserves the right of individuals to bring class actions in an effective, efficient manner.

If you have any questions, or need further information, please call Nancy Zirkin, Deputy Director of the Leadership Conference on Civil Rights (202–263–2880); Sandy Brantley, Legislative Counsel, Alliance for Justice (202–822–6070); or Bill Samuel, Legislative Director, AFL–CIO (202–637–5320).

Sincerely,

AARP; AFL–CIO; Alliance for Justice; American-Arab Anti-Discrimination Committee; American Association of People with Disabilities; American Association of University Women; American Civil Liberties Union; American Federation for the Blind; American Federation of Government Employees; American Federation of School Administrators; American Federation of State, County & Municipal Employees; American Federation of Teachers; American Jewish Committee; Americans for Democratic Action.

The Arc of the United States; Association of Flight Attendants; Bazelon Center for Mental Health Law; Center for Justice and Democracy; Coalition of Black Trade Unionists; Communications Workers of America; Consortium for Citizens with Disabilities Civil Rights Task Force; Department for Professional Employees, AFL–CIO; Disability Rights Education and Defense Fund; Epilepsy Foundation; Federally Employed Women; Federally Employed Women's Legal & Education Fund, Inc.; Food & Allied Service Trades Department, AFL–CIO; Human Rights Campaign.

International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers; International Brotherhood of Electrlcal Workers; International Brotherhood of Teamsters; International Federation of Professional & Technical Engineers; International Union of Bricklayers and Allied Craftworkers; International Union of Painters and Allied Trades of the United States and Canada; International Union, United Automobile, Aerospace & Agricultural Workers of America; Jewish Labor Committee; Lawyers' Committee for Civil Rights Under Law; Lawyers' Committee for Civil Rights of the San Francisco Bay Area; Leadership Conference on Civil Rights; Legal Momentum; Mexican American Legal Defense and Educational Fund.

NAACP; NAACP Legal Defense & Educational Fund, Inc.; National Alliance of Postal and Federal Employees; National Asian Pacific American Legal Consortium; National Association for Equal Opportunity in Higher Education; National Association of Protection and Advocacy Systems; National Association of Social Workers; National Employment Lawyers Association; National Fair Housing Alliance; National Organization for Women; National Partnership for Women and Families; National Women's Law Center; Paper, Allied-Industrial, Chemical and Energy Workers International Union; Paralyzed Veterans of America.

People For the American Way; Pride At Work, AFL–CIO; Service Employees International Union; Transport Workers Union of America; Transportation Communications International Union; UAW; Unitarian Universalist Association of Congregations; UNITE!; United Cerebral Palsy; United Food and Commercial Workers International Union; United Steelworkers of America; Utility Worker Union of America; and Women Employed.

FEBRUARY 7, 2005.

DEAR SENATOR: Our organizations are opposed to the sweepingly-drawn and misleadingly named ''Class Action Fairness Act of 2005.'' This bill is patently unfair to citizens harmed by toxic spills, contaminated drinking water, polluted air and other environmental hazards involved in class action cases based on state environmental or public health laws. S. 5 would allow corporate defendants in many pollution class actions and ''mass tort'' environmental cases to remove these kinds of state environmental matters from state court to federal court, placing the cases in a forum that could be more costly, more time-consuming, and disadvantageous to your constituents harmed by toxic pollution. State law environmental harm cases do not belong in this legislation and we urge you to exclude such pollution cases from the class action bill.

Class actions protect the public's health and the environment by allowing people with similar injuries to join together for more efficient and cost-effective adjudication of their cases. All too often, hazardous spills, water pollution, or other toxic contamination from a single source affects large numbers of people, not all of whom may be citizens or residents of the same state as that of the defendants who caused the harm. In such cases, a class action lawsuit in state court based on state common law doctrines of negligence, nuisance or trespass, or upon rights and duties created by state statutes in the state where the injuries occur, is often the best way of fairly resolving these claims.

For example, thousands of families around the country are now suffering because of widespread groundwater contamination caused by the gasoline additive MTBE, which the U.S. government considers a potential human carcinogen. According to a May, 2002 GAO report, 35 states reported that they find

MTBE in groundwater at least 20 percent of the time they sample for it, and 24 states said that they find it at least 60 percent of the time. Some communities and individuals have brought or soon will bring suits to recover damages for MTBE contamination and hold the polluters accountable, but under this bill, MTBE class actions or ''mass actions'' based on state law could be removed to federal court by the oil and gas companies in many of these cases.

This could not only make these cases more expensive, more time-consuming and more difficult for injured parties, but could also result in the dismissal of legitimate cases by federal judges who are unfamiliar with, or less respectful of, state-law claims. For example, in at least one MTBE class action, a federal court dismissed the case based on oil companies' claims that the action was barred by the federal Clean Air Act (even though that law contains no tort liability waiver for MTBE). Yet a California state court rejected a similar federal preemption argument and let the case go to. a jury, which found oil refineries, fuel distributors, and others liable for damages. These cases highlight how a state court may be more willing to uphold legitimate state law claims. Other examples of state-law cases that would be weakened by this bill include lead contamination cases, mercury contamination, perchlorate pollution and other ''toxic tort'' cases.

In a letter to the Senate last year, the U.S. Judicial Conference expressed their continued opposition to such broadly written class action removal legislation. Notably, their letter states that, even if Congress determines that some ''significant multi-state class actions'' should be brought within the removal jurisdiction of the federal courts, Congress should include certain limitations and exceptions, including for class actions ''in which plaintiff class members suffered personal injury or personal property damage within the state, as in the case of a serious environmental disaster.'' The Judicial Conference's letter explains that this ''environmental harm'' exception should apply ''to all individuals who suffered personal injuries or losses to physical property, whether or not they were citizens of the state in question.''

We agree with the Judicial Conference that cases involving environmental harm are not even close to the type of cases that proponents of S. 5 cite when they call for reforms to the class action system. Including such cases in the bill penalizes injured parties in those cases for no reason other than to benefit the polluters. No rationale has been offered by the bill's supporters for including environmental cases in S. 5's provisions. We are unaware of any examples offered by bill supporters of environmental harm cases that represent alleged abuses of the state class actions.

More proof of the overreaching of this bill is that the so-called ''Class Action Fairness Act'' is not even limited to class action cases. The bill contains a provision that would allow defendants to remove to federal court all environmental ''mass action'' cases involving more than 100 people—even though these cases are not even filed as class actions. For example, the bill would apply to cases similar to the recently concluded state-court trial in Anniston, Alabama, where a jury awarded damages to be paid by Monsanto and Solutia for injuring more than 3,500 people that the jury—found had been exposed over many years—with the companies' knowledge—to cancer-causing PCBs.

There is little doubt in the Anniston case that, had S. 5 been law, the defendants would have tried to remove the case from the state court that serves the community that suffered this devastating harm. Even in the best-case scenario, S. 5 would put plaintiffs like those in Anniston in the position of having to fight costly and time-consuming court battles in order to preserve their chosen forum for litigating their claims. In any case, it would reward the kind of reckless corporate misbehavior demonstrated by Monsanto and Solutia by giving defendants in such cases the right to remove state-law cases to federal court over the objections of those they have injured.

The so-called ''Class Action Fairness Act'' would allow corporate polluters who harm the public's health and welfare to exploit the availability of a federal forum whenever they perceive an advantage to doing so. It is nothing more than an attempt to take legitimate state-court claims by injured parties out of state court at the whim of those who have committed the injury.

Cases involving environmental harm and injury to the public from toxic exposure should not be subject to the bill's provisions; if these environmental harm cases are not excluded, we strongly urge you to vote against S. 5.

Sincerely,

S. Elizabeth Birnbaum, Vice President for Government Affairs, American Rivers.

Doug Kendall, Executive Director, Community Rights Counsel.

Mary Beth Beetham, Director of Legislative Affairs, Defenders of Wildlife.

Sara Zdeb, Legislative Director, Friends of the Earth.

Anne Georges, Acting Director of Public Policy, National Audubon Society.

Karen Wayland, Legislative Director, Natural Resources Defense Council.

Tom Z. Collina, Executive Director, 20/20 Vision.

Linda Lance, Vice President for Public Policy, The Wilderness Society.

Paul Schwartz, National Campaigns Director, Clean Water Action.

James Cox, Legislative Counsel, Earthjustice.

Ken Cook, Executive Director, Environmental Working Group.

Rick Hind, Legislative Director, Toxics Campaign, Greenpeace US.

Kevin S. Curtis, Vice President, National Environmental Trust.

Ed Hopkins, Director, Environmental Quality Programs, Sierra Club.

Julia Hathaway, Legislative Director, The Ocean Conservancy.

Anna Aurilio, Legislative Director, U.S. Public Interest Research Group.

NATIONAL ASSOCIATION
OF ATTORNEYS GENERAL,
Washington, DC, February 7, 2005.

Hon. BILL FRIST,
Senate Majority Leader, U.S. Senate,
Dirksen Building, Washington, DC.
Hon. HARRY REID,
Senate Minority Leader, U.S. Senate,
Hart Building, Washington, DC.

DEAR SENATE MAJORITY LEADER FRIST AND SENATE MINORITY LEADER REID: We, the undersigned State Attorneys General, write to express our concern regarding one limited aspect of pending Senate Bill 5, the ''Class Action Fairness Act,'' or any similar legislation. We take no position on the Act as a general matter and, indeed, there are differing views among us on the policy judgments reflected in the Act. We join together, however, in a bipartisan request for support of Senator Mark Pryor's potential amendment to S. 5, or any similar legislation, clarifying that the Act does not apply to, and would have no effect on, actions brought by any State Attorney General on behalf of his or her respective state or its citizens.

As Attorneys General, we frequently investigate and bring actions against defendants who have caused harm to our citizens. These cases are usually brought pursuant to the Attorney General's parens patriae authority under our respective 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. It is our concern that certain provisions of S. 5 might be misinterpreted to hamper the ability of the Attorneys General to bring such actions, thereby impeding one means of protecting our citizens from unlawful activity and its resulting harm.

The Attorneys General have been very successful in litigation initiated to protect the rights of our consumers. For example, in the pharmaceutical industry, the States have recently brought enforcement actions on behalf of consumers against large, often foreign-owned, drug companies for overcharges and market manipulations that illegally raised the costs of certain prescription drugs. Such cases have resulted in recoveries of approximately 235 million dollars, the majority of which is earmarked for consumer restitution. In several instances, the States' recoveries provided one hundred percent reimbursement directly to individual consumers of the overcharges they suffered as a result of the illegal activities of the defendants. This often meant several hundred dollars going back into the pockets of those consumers who can least afford to be victimized by illegal trade practices, senior citizens living on fixed incomes and the working poor who cannot afford insurance.

We encourage you to support the aforementioned amendment exempting all actions brought by State Attorneys General from the provisions of S. 5, or any similar legislation. It is important to all of our constituents, but especially to the poor, elderly and disabled, that the provisions of the Act not be misconstrued and that we maintain the enforcement authority needed to protect them from illegal practices. We respectfully submit that the overall purposes of the legislation would not be impaired by such an amendment that merely clarifies the existing authority of our respective States.

Thank you for your consideration of this very important matter. Please contact any of us if you have questions or comments.

Sincerely,

Mike Beebee, Attorney General, Arkansas.

Gregg Renkes, Attorney General, Alaska.

Mark Shurtleff, Attorney General, Utah.

Fiti Sunia, Attorney General, American Samoa.

Terry Goddard, Attorney General, Arizona.

John Suthers, Attorney General, Colorado.

Jane Brady, Attorney General, Delaware.

Charlie Crist, Attorney General, Florida.

Mark Bennett, Attorney General, Hawaii.

Stephen Carter, Attorney General, Indiana.

Bill Lockyer, Attorney General, California.

Richard Blumenthal, Attorney General, Connecticut.

Robert Spagnoletti, Attorney General, District of Columbia.

Thurbert Baker, Attorney General, Georgia.

Lawrence Wasden, Attorney General, Idaho.

Tom Miller, Attorney General, Iowa.

Greg Stumbo, Attorney General, Kentucky.
Steven Rowe, Attorney General, Maine.
Tom Reilly, Attorney General, Massachusetts.
Mike Hatch, Attorney General, Minnesota.
Jay Nixon, Attorney General, Missouri.
Jon Bruning, Attorney General, Nebraska.
Kelly Ayotte, Attorney General, New Hampshire.
Charles Foti, Attorney General, Louisiana.
Joseph Curran, Attorney General, Maryland.
Mike Cox, Attorney General, Michigan.
Jim Hood, Attorney General, Mississippi.
Mike McGrath, Attorney General, Montana.
Brian Sandoval, Attorney General, Nevada.
Peter Harvey, Attorney General, New Jersey.
Eliot Spitzer, Attorney General, New York.
Wayne Stenehjem, Attorney General, North Dakota.
Jim Petro, Attorney General, Ohio.
Hardy Myers, Attorney General, Oregon.
Roberto Sanchez Ramos, Attorney General, Puerto Rico.
Henry McMaster, Attorney General, South Carolina.
Roy Cooper, Attorney General, North Carolina.
Pamela Brown, Attorney General, N. Mariana Islands.
W.A. Drew Edmondson, Attorney General, Oklahoma.
Tom Corbett, Attorney General, Pennsylvania.
Patrick Lynch, Attorney General, Rhode Island.
Lawrence Long, Attorney General, South Dakota.
Paul Summers, Attorney General, Tennesse.
Darrell McGraw, Attorney General, West Virginia.
Patrick Crank, Attorney General, Wyoming.
Rob McKenna, Attorney General, Washington.
Peg Lautenschlager, Attorney General, Wisconsin.

Mr. Speaker, I urge my colleagues to seriously consider the excellent presentations made on our side of the aisle and vote against the measure that is before us today.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, notwithstanding what we have heard from opponents of this legislation, its passage would not extinguish the legal right of any injured party, whether it be a class action, a mass action, or an individual lawsuit from proceeding in a court of competent jurisdiction in the United States. What the bill does do is it puts some sense into the class action system so that the members of the plaintiff's class will be fairly and adequately compensated rather than seeing all of their gains go to attorneys and them just getting coupon settlements from the people who have allegedly done them wrong.

I was particularly perturbed listening to the gentleman from Massachusetts (Mr. MARKEY), who said that the kids who start smoking at 13 and 14 years old are going to be denied their day in court, and that the tobacco companies are going to end up cashing in on a big bonanza.

Well, I had my staff, while this was going on, look at what has happened to Altria, the parent company of Philip Morris. Since the other body passed this bill, Altria stock has gone down by at least $1.50, or 2 percent. And today, the Reuters story that came out less than an hour ago says that the Dow has been dragged down by Altria.

Now, if this was the bonanza to investors in Altria, the stock would not be going down. It is not. That is a fallacious argument. Reject the substitute and pass the bill.

Mr. HASTERT. Mr. Speaker, I'm pleased join my colleagues here today who support taking a historic first step to breaking one of the main shackles holding back our economy and America's workforce—lawsuit abuse.

For the last decade, the Republican Congress has worked to end out of control lawsuits. Today is the day we will pass commonsense legislation and put an end to Class Action Lawsuit abuse.

I particularly want to praise the efforts of House Judiciary Chairman JIM SENSENBRENNER for his relentless work. Without his stewardship, I don't think th achievement would have become a reality.

I come from Illinois—the Land of Lincoln—where downstate Madison County has the dubious distinction as a personal injury lawyer's paradise. No, there are not palm trees or sandy beaches there. Instead, Madison County, Illinois, is home to very warm courtrooms where frivolous lawsuits are filed virtually everyday.

Why's Madison County? The answer: "venue shopping."

Cagey trial lawyers have figured out there's a pretty good likelihood their case—no matter what its merit—will literally get its day in court because of favorable judges.

To use a sports analogy, thanks to willing judges, personal injury lawyers get to play on their "home court" each and every time they file a frivolous lawsuit there.

For instance, a legendary class action case from Madison County illustrates what's wrong with the current legal system.

In 2000, Cable TV customers who filed suit over their cable operator's late fee policy won their case, but received nothing . . . not a dime, not a nickel, not a Lincoln penny. Instead, their $5.6 million settlement went directly into the pockets of their attorneys. How is that justice? How does that help victims?

The American people deserve better. Our working families demand better.

Today's action takes a step in the right direction to end the so-called Tort Tax.

The Tort Tax makes consumers pay more for the goods and services they use.

The Tort Tax adds to the cost of everything we buy because businesses and manufacturers have to cover themselves and their employees—just in case they get sued by a greedy personal injury lawyer.

At last estimate, this outrageous Tort Tax cost the nation's economy $246 billion a year, and by 2006, it will cost the average American nearly $1,000 more each year on their purchases because of defensive business practices.

In closing, as a matter of principle, damage awards should go to the victim, not the lawyers. Lawsuits should not be "strike it rich" schemes for lawyers.

There has to be some limit to what lawyers can take from their clients. Otherwise, cagey attorneys end up with the lion's share of the settlement and the victims end up with little more than scraps.

Mr. UDALL of Colorado. Mr. Speaker, the House has considered similar legislation in 1999, 2002, and 2003. On each of those occasions, I voted "no"—not because I was unalterably opposed to Congress acting on this subject, but because in my judgment the defects of those bills outweighed their potential benefits.

When it was announced that this bill would be considered, I hoped that the pattern would be broken and that this time I would be able to support the legislation. And if the Conyers substitute had been adopted, that would have been the case.

Adoption of the substitute would have greatly improved the legislation. It would have reaffirmed the authority and ability of each State's Attorney General to carry out his or her duties under State law. It would have made sure that the bill would not prejudice people with complaints about violations of their civil rights. It would have properly focused the legislation on class actions unrelated to personal injuries. It would have added important protections for the public's right to know about the proceedings in our courts. And it would have made other changes that would have improved the bill.

Unfortunately, the substitute was not adopted—and I have come to the reluctant conclusion that I must vote against the bill.

That conclusion is reluctant because in several ways this bill is better—or, more accurately, less bad—than its predecessors.

Unlike earlier versions, S. 5 would not have a retroactive effect, so it would not affect pending cases. It also does not include a provision for immediate interlocutory appeals of denials of class action certification, or for a stay of all discovery while the appeal was pending. And in several other ways, it differs for the better from previous versions.

However, while the bill is less bad, in my opinion it still is not good enough. I remain unconvinced that the problem the bill purports to address is so great as to require such a sweeping remedy, and I am still concerned that in too many cases the side-effects of this treatment will be more severe than the disease.

Mr. Speaker, one of the most important rights we have as Americans is the ability to seek redress from the courts when we believe our rights have been abridged or we have been improperly treated. And, when a complaint arises under a State law, it is both appropriate and desirable that it be heard in State court because those are the most convenient and with the best understanding of State laws and local conditions.

Of course, it is appropriate to provide for removing some State cases to Federal courts.

But I think that should be more the exception than the rule, and I think this bill tends to reverse that. I think it excessively tilts the balance between the States and the Federal government so as to throw too many cases into already-overburdened Federal courts—with the predictable result that too many will be dismissed without adequate consideration of their merits.

So, while I respect those who have urged the House to pass this bill, I cannot vote for it.

Mr. BLUMENAUER. Mr. Speaker, I agree with this bill's intent to prevent the legal system from being ''gamed'' by attorneys who lump thousands of speculative claims into a single class action lawsuit and then seek out a sympathetic State court. Any abusive or frivolous class action is a drain on the system and forces innocent defendants to settle cases rather than play judicial roulette with the risk of a huge unjustified settlement.

Unfortunately, instead of narrowly focusing on such abuses, Senate bill 5 completely reconfigures the judicial system, resulting in diminished corporate accountability and fundamental legal rights of individuals. While this bill makes some improvements to limit frivolous lawsuits, it does so at a price that will make it harder for average Americans to successfully pursue real claims against interests that violate their States' consumer health, civil rights, and environmental protection laws. This is an unnecessary tradeoff. I voted for a Democratic substitute motion which would have minimized some of these abuses. Sadly, it was defeated and, as a result, I voted against final passage.

I will continue to be open to changes that make our judicial system work better, but not at the expense of the people I represent. It is essential that we hold accountable the forces that have so much impact on the lives of every American.

Mr. WEXLER. Mr. Speaker, I rise today in strong opposition to the so-called ''Class Action Fairness Act.'' I have strong objections to not only to the text of the bill itself but also to the very process by which it was strong-armed by the Republican leadership past the Judiciary Committee. This process did not allow any opportunity for committee members to raise our objections or to work constructively to fix the major problems in this legislation. This circumvention of regular order is being sold to us with a myriad of excuses, one of them is that the bill is a simple procedural fix for a judicial crisis with nothing controversial in it.

Nothing could be further from the truth. This bill is a federal mandate to undermine and all but kill the ability to raise class actions cases in State courts. Under this so-called ''procedural bill,'' almost every class action lawsuit would be removed from State jurisdiction and forced onto an already overburdened Federal judiciary. Moving these cases to Federal court will make litigation more costly, more time-consuming and less likely that victims can get their rightful day in court at all. This bill is so preposterously far-reaching it would prevent State courts from considering class action cases that only involve State laws. We have already added so many State cases to Federal jurisdiction that if this bill passes victims will be added to the substantial backlog of Federal cases and will likely find it difficult to ever have their cases heard.

It should be obvious to even the most casual observer that the intent of this bill is to prevent class action lawsuits from ever being heard. Members should make no mistake about it—if we pass this misguided legislation, we will have effectively shut the door on civil rights, on workers rights and on anyone injured through corporate negligence.

Mr. Speaker, I urge my colleagues to join me in opposing one of the most destructive and far reaching civil justice measures ever considered by this body.

Mr. SHAYS. Mr. Speaker, I rise in support of S. 5, the Class Action Fairness Act.

This legislation will work to balance class actions. Currently, plaintiffs' lawyers take advantage of the system by bringing large, national lawsuits in specific jurisdictions with relaxed certification criteria.

Attorneys are increasingly filing interstate class actions in State courts, mostly in what are known as ''magnet'' jurisdictions. Courts in these jurisdictions are attractive to lawyers because they routinely approve settlements in which attorneys receive large fees and the class members receive virtually nothing, and they also decide the claims of other state's citizens under the court's state law.

This results in more and more class actions being losing propositions for everyone involved—except for the lawyers who brought them.

The Class Action Fairness Act works to improve our legal system by allowing larger interstate class action cases to be heard in Federal courts, closing the magnet jurisdiction loophole.

This bill will also make it easier for local businesses to avoid harassment. Currently, plaintiffs' lawyers can name a local business in a nationwide liability suit to stay out of Federal court. This legislation will put an end to this unfair practice.

Finally, S. 5 protects consumers with a consumer class action bill of rights. The bill of rights includes several provisions designed to ensure class members—not their attorneys—are the primary beneficiaries of the class action process, and are not simply awarded a coupon at the end of a trial.

Allowing judges to limit attorney's fees when the value of the settlement received by the class member is small in comparison and banning settlements that award some class members more simply because they live closer to the court will make class action suits more fair and help compensate the people who were wronged, not the attorney's handling their case.

I strongly support S. 5 and encourage my colleagues to do so as well.

Mr. DELAHUNT. Once again, Mr. Speaker, we have before us a bill that would sweep aside generations of State laws that protect consumers. Citizens will be denied their basic right to use their own State courts to file class action lawsuits against companies—even if there are clear violations of State labor laws or State civil rights laws. This bill comes after a lobbying campaign costing business interests tens of millions of dollars. Well, that was money well spent. With this sweeping legislation, corporations will have free reign to avoid responsibility for the wrongs they commit.

It is just shameful that the victims of corporate misconduct do not have the same level of influence here in the halls of Congress. Let's not forget the people who died as a result of defective tires manufactured by Firestone. What about countless individuals who died as a result of the tobacco industry's failure to disclose the risks of cigarettes?

Well, if it is any indication of this bill's intent—tobacco is already celebrating this week. Stocks are up and the industry is glowing. Let me quote their take on this bill, ''The practical effect of the change could be that many cases will never be heard given how overburdened Federal judges are.''

Plainly that is the goal of the bill. The goal is to ensure that legitimate plaintiffs are denied any recovery at all. And that whatever recovery they do receive is delayed as long as possible. I have spent decades in courtrooms and I can tell my colleagues—from my own experience—that justice delayed is justice denied. The doors to the courthouse will be locked shut. And this Republican leadership is handing the key to corporate America.

With complete disregard for precedent-setting individual and class action litigation, the Republican leadership is determined to destroy America's civil justice system, eliminating protections for the poor and powerless. This bill is a disgrace to the historic victories in courts across the country—to expand consumer rights, protect our environment, and strengthen workers' rights.

And there has been complete disregard for the legislative process in the House. While we have had hearings and markups on class action legislation in the past, this bill is quite complex and very different than previous versions. The fact that the other Chamber has already approved this matter in no way justifies a ''rush to judgment'' in the House, when so many important rights are at stake.

Class actions have addressed the looting of company after company by corporate insiders, whose brazen misconduct and self-dealing defrauded creditors and investors of billions of dollars, and stripped employees and retirees of their livelihood and life savings.

Yet if this bill becomes law, the victims of those practices will face new obstacles in their efforts to call those executives to task.

This bill is not about protecting plaintiffs. It's not about protecting the public. It's about protecting large corporations whose conduct has been egregious. It's about protecting the powerful at the expense of the powerless. And to prevent people from banding together as a class to challenge that power in the only way they can.

We must also see this bill in its proper context. It is part of an ambitious and multi-pronged campaign by major corporations to evade their obligations to society.

Under the guise of ''deregulation'' we're watching the wholesale dismantling of health and safety standards, environmental protections, and longstanding limits on concentration of ownership within the media and other key industries.

Today's bill completes this picture. It takes aim at the civil justice system that exists to correct the wrongs that the government cannot or will not address. I urge my colleagues to oppose this blatant effort to muzzle the courts.

This bill is but the latest in a series of assaults by those on the other side attacking the ability of individuals to seek relief from the courts. And it is also but the latest in a series of assaults on States' rights to provide legal remedies for harm suffered by their citizens.

We cannot allow them to do it, Mr. Speaker. I urge my colleagues to vote ''no.''

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

Mr. Speaker, I rise in strong opposition of S. 5, the so-called ''Class Action Fairness Act.''

This bill will send the majority of class action suits from State to Federal courts, making it more difficult for people who have been unfairly hurt to collect compensation for their injuries.

Federal courts are already overwhelmed by a large number of drug and immigration cases, and they don't have the time or the resources to deal with complex issues of State law.

This bill has it all wrong. Instead of punishing individuals who pursue frivolous lawsuits, this bill will punish innocent people who have been wrongfully hurt.

This bill is a payoff to large companies and special interests. It takes rights away from consumers in order to protect drug manufacturers, insurance companies, HMOs and negligent doctors. There is no accountability on their part.

It is not ''frivolous'' for an innocent person who has been harmed through no fault of their own to seek compensation for their injuries.

When a child is disabled or maimed by a preventable error, it is not frivolous to seek damages from the company responsible for the injury.

This is a bill that's going to significantly harm small consumers who want to hold large companies accountable for defrauding them.

I urge my colleagues to vote ''no'' on S. 5.

Mr. MEEHAN. Mr. Speaker, I rise in opposition to S. 5, the so-called Class Action Fairness Act.

Few of us would stand here and argue that there is too much accountability in corporate America today. In recent years, millions of our constituents have been swindled out of their retirement savings by corporate crooks at Enron, WorldCom, and other companies. For years, many unscrupulous mutual fund managers were skimming off the top of their clients' investment funds. Drug companies put new products on the market like Vioxx that they knew to be unsafe.

This bill is a windfall for companies that have profited while causing harm to others. And no industry is in a better position to benefit than the tobacco industry. It's little wonder that tobacco stocks rallied at the news that the Senate had passed this bill.

I'd like to read from a Wall Street analyst's view of how this bill would impact the tobacco industry. ''Flash—Senate Just Passed Class Action Bill—Positive for Tobacco,'' the analyst writes.

''The Senate just passed a bill 72–26 which is designed to funnel class-action suits with plaintiffs in different States out of State courts and into the Federal court system, which is typically much less sympathetic to such litigation. The practical effect of the change could be that many cases will never be heard given how overburdened Federal judges are, which might help limit the number of cases.''

I only wish that the proponents of this bill would use such candid language to describe its true intent—to make sure that legitimate cases are never heard, and to shield corporations from accountability for their actions.

The class action system is a major reason why we have safer consumer products, more honest advertising, cleaner air and drinking water, and better workplace protections than many other countries.

All of us are empowered by the right to band together and seek justice. Class actions are one of the most effective and powerful ways we have to hold people accountable for their actions.

I oppose this attempt to shut the courthouse door to people who have been wronged.

Mr. STARK. Mr. Speaker, I rise today to oppose this misguided legislation to limit the ability of average Americans to seek redress for injury and harm caused by corporate malfeasance.

Don't be fooled by the title of this bill. Congress is not standing up for the average American under this bill. It's not fixing inequities in our judicial system. It's making those inequities worse by giving the upper hand to big corporations.

I won't vote for this Republican-sponsored hoax. It unfairly threatens the very people we are all elected to protect. When the so-called party of local control makes it a top priority to move class action cases from State to Federal court, there's an ulterior motive.

Don't believe the myth my Republican colleagues want to sell you. Class action suits aren't frivolous. They allow average Americans financially unable to launch a judicial battle on their own the means to seek redress for injury or death of a loved one. They empower consumers to challenge wrongdoings by wealthy corporations who would otherwise ignore their appeal.

I don't think that the American public would be satisfied knowing that if this bill passes, the accountability of companies like Eron would be held less accountable. And the makers of Vioxx and other dangerous drugs would be held less accountable.

It is truthful, law-abiding citizens who will lose if this bill becomes law, Apparently, in America today, we have government for, by, and of corporate interests and not the people.

I ask my colleagues to stand up for real people and vote against this shameful bill.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in opposition to the so-called class action fairness bill. This legislation will close the courthouse doors to thousands seeking justice.

The bill we are considering today pushes almost all class actions into the federal courts and away from state jurisdiction. It is no secret that federal courts are generally less willing to consider complex civil litigation than state courts. They face incredible backlogs with hundreds of criminal drug cases and immigration cases. Federalizing class actions causes delays in getting relief for injured consumers.

Instead of fixing the current system, this legislation is only making it more difficult and time-consuming for Americans with legitimate complaints to have their day in court. Class actions are a critical way for people, particularly those without the resources to battle large corporations, to seek redress from companies for fraudulent behavior, defective products and employment discrimination. A strong class-action system is particularly important given the emergence of evidence proving corporate wrongdoing in recent years. This bill will give banks, credit card companies, insurers, HMOs, drug manufacturers and other big businesses a green light to defraud and deceive consumers without fear of being held accountable. Most troubling, this bill deprives Americans of an important forum—in many cases their only forum—for remedying genuine wrongs.

I support strengthening our class action system and reducing fraud, which is why I voted for a substitute bill. This legislation would ensure that people injured or discriminated against could still get the justice they deserve while making adjustments needed to reduce abuse in the class action system. The substitute puts an end to ''coupon settlements'' and court shopping. It keeps our class action system accessible and effective by carving out civil rights and worker rights cases. It protects cases brought by state attorney's general. Lastly, it asks the Administrative Office of the U.S. Courts to report back to Congress on how the new law is working. The substitute is a real improvement in our legal system that will ensure the protection and justice promised to individuals, families and businesses by our Constitution.

The SPEAKER pro tempore (Mr. BOOZMAN). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CONYERS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Class Action Fairness Act of 2005''.

(b) REFERENCE.—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.
Sec. 4. Federal district court jurisdiction for interstate class actions.
Sec. 5. Removal of interstate class actions to Federal district court.
Sec. 6. Report on class action settlements.
Sec. 7. Enactment of Judicial Conference recommendations.
Sec. 8. Rulemaking authority of Supreme Court and Judicial Conference.

Sec. 9. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have—

(A) harmed class members with legitimate claims and defendants that have acted responsibly;

(B) adversely affected interstate commerce; and

(C) undermined public respect for our judicial system.

(3) Class members often receive little or no benefit from class actions, and are sometimes harmed, such as where—

(A) counsel are awarded large fees, while leaving class members with coupons or other awards of little or no value;

(B) unjustified awards are made to certain plaintiffs at the expense of other class members; and

(C) confusing notices are published that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Abuses in class actions undermine the national judicial system, the free flow of interstate commerce, and the concept of diversity jurisdiction as intended by the framers of the United States Constitution, in that State and local courts are—

(A) keeping cases of national importance out of Federal court;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

(b) PURPOSES.—The purposes of this Act are to—

(1) assure fair and prompt recoveries for class members with legitimate claims;

(2) restore the intent of the framers of the United States Constitution by providing for Federal court consideration of interstate cases of national importance under diversity jurisdiction; and

(3) benefit society by encouraging innovation and lowering consumer prices.

SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.

(a) IN GENERAL.—Part V is amended by inserting after chapter 113 the following:

"CHAPTER 114—CLASS ACTIONS

''Sec.
''1711. Definitions.
''1712. Coupon settlements.
''1713. Protection against loss by class members.
''1714. Protection against discrimination based on geographic location.
''1715. Notifications to appropriate Federal and State officials.
''1716. Sunshine in court records.

"§ 1711. Definitions

''In this chapter:

''(1) CLASS.—The term 'class' means all of the class members in a class action.

''(2) CLASS ACTION.—The term 'class action' means any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed under a State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representatives as a class action. The term 'class action' does not include any civil action brought by, or on behalf of, any State attorney general or the chief prosecuting or civil attorney of any county or city within a State.

''(3) CLASS COUNSEL.—The term 'class counsel' means the persons who serve as the attorneys for the class members in a proposed or certified class action.

''(4) CLASS MEMBERS.—The term 'class members' means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

''(5) PLAINTIFF CLASS ACTION.—The term 'plaintiff class action' means a class action in which class members are plaintiffs.

''(6) PROPOSED SETTLEMENT.—The term 'proposed settlement' means an agreement regarding a class action that is subject to court approval and that, if approved, would be binding on some or all class members.

''(7) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possessions of the United States.

''(8) STATE ATTORNEY GENERAL.—The term 'State attorney general' means the chief legal officer of a State.

"§ 1712. Coupon settlements

''(a) CONTINGENT FEES IN COUPON SETTLEMENTS.—If a proposed settlement in a class action provides for a recovery of coupons to a class member, the portion of any attorney's fee award to class counsel that is attributable to the award of the coupons shall be based on the value to class members of the coupons that are redeemed.

''(b) OTHER ATTORNEY'S FEE AWARDS IN COUPON SETTLEMENTS.—

''(1) IN GENERAL.—If a proposed settlement in a class action provides for a recovery of coupons to class members, and a portion of the recovery of the coupons is not used to determine the attorney's fee to be paid to class counsel, any attorney's fee award shall be based upon the amount of time class counsel reasonably expended working on the action.

''(2) COURT APPROVAL.—Any attorney's fee under this subsection shall be subject to approval by the court and shall include an appropriate attorney's fee, if any, for obtaining equitable relief, including an injunction, if applicable. Nothing in this subsection shall be construed to prohibit application of a lodestar with a multiplier method of determining attorney's fees.

''(c) ATTORNEY'S FEE AWARDS CALCULATED ON A MIXED BASIS IN COUPON SETTLEMENTS.—If a proposed settlement in a class action provides for an award of coupons to class members and also provides for equitable relief, including injunctive relief—

''(1) that portion of the attorney's fee to be paid to class counsel that is based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (a); and

''(2) that portion of the attorney's fee to be paid to class counsel that is not based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (b).

''(d) SETTLEMENT VALUATION EXPERTISE.—In a class action involving the awarding of coupons, the court may, in its discretion upon the motion of a party, receive expert testimony from a witness qualified to provide information on the actual value to the class members of the coupons that are redeemed.

''(e) JUDICIAL SCRUTINY OF COUPON SETTLEMENTS.—In a proposed settlement under which class members would be awarded coupons, the court may approve the proposed settlement only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members. The court, in its discretion, may also require that a proposed settlement agreement provide for the distribution of a portion of the value of unclaimed coupons to 1 or more charitable or governmental organizations, as agreed to by the parties. The distribution and redemption of any proceeds under this subsection shall not be used to calculate attorneys' fees under this section.

"§ 1713. Protection against loss by class members

''The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding that nonmonetary benefits to the class member substantially outweigh the monetary loss.

"§ 1714. Protection against discrimination based on geographic location

''The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

"§ 1715. Notifications to appropriate Federal and State officials

''(a) DEFINITIONS.—

''(1) APPROPRIATE FEDERAL OFFICIAL.—In this section, the term 'appropriate Federal official' means—

''(A) the Attorney General of the United States; or

''(B) in any case in which the defendant is a Federal depository institution, a State depository institution, a depository institution holding company, a foreign bank, or a nondepository institution subsidiary of the foregoing (as such terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

''(2) APPROPRIATE STATE OFFICIAL.—In this section, the term 'appropriate State official' means the person in the State who has the primary regulatory or supervisory responsibility with respect to the defendant, or who licenses or otherwise authorizes the defendant to conduct business in the State, if some or all of the matters alleged in the class action are subject to regulation by that person. If there is no primary regulator, supervisor, or licensing authority, or the matters alleged in the class action are not subject to regulation or supervision by that person, then the appropriate State official shall be the State attorney general.

''(b) IN GENERAL.—Not later than 10 days after a proposed settlement of a class action is filed in court, each defendant that is participating in the proposed settlement shall serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement consisting of—

''(1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);

''(2) notice of any scheduled judicial hearing in the class action;

''(3) any proposed or final notification to class members of—

''(A)(i) the members' rights to request exclusion from the class action; or

''(ii) if no right to request exclusion exists, a statement that no such right exists; and

''(B) a proposed settlement of a class action;

''(4) any proposed or final class action settlement;

''(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

''(6) any final judgment or notice of dismissal;

''(7)(A) if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State's appropriate State official; or

''(B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement; and

''(8) any written judicial opinion relating to the materials described under subparagraphs (3) through (6).

''(c) DEPOSITORY INSTITUTIONS NOTIFICATION.—

''(1) FEDERAL AND OTHER DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a Federal depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing, the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

''(2) STATE DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a State depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the State bank supervisor (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) of the State in which the defendant is incorporated or chartered, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person, and upon the appropriate Federal official.

''(d) FINAL APPROVAL.—An order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under subsection (b).

''(e) NONCOMPLIANCE IF NOTICE NOT PROVIDED.—

''(1) IN GENERAL.—A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member demonstrates that the notice required under subsection (b) has not been provided.

''(2) LIMITATION.—A class member may not refuse to comply with or to be bound by a settlement agreement or consent decree under paragraph (1) if the notice required under subsection (b) was directed to the appropriate Federal official and to either the State attorney general or the person that has primary regulatory, supervisory, or licensing authority over the defendant.

''(3) APPLICATION OF RIGHTS.—The rights created by this subsection shall apply only to class members or any person acting on a class member's behalf, and shall not be construed to limit any other rights affecting a class member's participation in the settlement.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to expand the authority of, or impose any obligations, duties, or responsibilities upon, Federal or State officials.

''§ 1716. Sunshine in court records

''No order, opinion, or record of the court in the adjudication of a class action, including a record obtained through discovery, whether or not formally filed with the court, may be sealed or subjected to a protective order unless the court makes a finding of fact—

''(1) that the sealing or protective order is narrowly tailored, consistent with the protection of public health and safety, and is in the public interest; and

''(2) if the action by the court would prevent the disclosure of information, that disclosing the information is clearly outweighed by a specific and substantial interest in maintaining the confidentiality of such information.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V is amended by inserting after the item relating to chapter 113 the following:

''114. Class Actions ..... 1711''.

SEC. 4. FEDERAL DISTRICT COURT JURISDICTION FOR INTERSTATE CLASS ACTIONS.

(a) APPLICATION OF FEDERAL DIVERSITY JURISDICTION.—Section 1332 is amended—

(1) by redesignating subsection (d) as subsection (e), and amending the subsection to read as follows:

''(e) As used in this section—

''(1) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possessions of the United States; and

''(2) the term 'State attorney general' means the chief legal officer of a State.''; and

(2) by inserting after subsection (c) the following:

''(d)(1) In this subsection—

''(A) the term 'class' means all of the class members in a class action;

''(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 civil action brought by, or on behalf of, any State attorney general or the chief prosecuting or civil attorney of any county or city within a State;

''(II) any class action brought under a State or local law prohibiting discrimination on the basis of race, color religion, sex, national origin, age, disability, or other classification specified in that law; or

''(III) any class action or collective action brought to obtain relief under a 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;

''(C) the term 'class certification order' means an order issued by a court approving the treatment of some or all aspects of a civil action as a class action; and

''(D) the term 'class members' means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

''(2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs, and is a class action in which—

''(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

''(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

''(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

''(3) A district court may, in the interests of justice and looking at the totality of the circumstances, decline to exercise jurisdiction under paragraph (2) over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed based on consideration of—

''(A) whether the claims asserted involve matters of national or interstate interest;

''(B) whether the claims asserted will be governed by laws of the State in which the action was originally filed or by the laws of other States;

''(C) whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction;

''(D) whether the action was brought in a forum with a distinct nexus with the class members, the alleged harm, or the defendants;

''(E) whether the number of citizens of the State in which the action was originally filed in all proposed plaintiff classes in the aggregate is substantially larger than the number of citizens from any other State, and the citizenship of the other members of the proposed class is dispersed among a substantial number of States; and

''(F) whether, during the 3-year period preceding the filing of that class action, 1 or more other class actions asserting the same or similar claims on behalf of the same or other persons have been filed.

''(4) A district court shall decline to exercise jurisdiction under paragraph (2)—

''(A)(i) over a class action in which—

''(I) greater than two-thirds of the members of all proposed plaintiff classes in the aggregate are citizens of the State in which the action was originally filed;

''(II) at least 1 defendant is a defendant—

''(aa) from whom significant relief is sought by members of the plaintiff class;

''(bb) whose alleged conduct forms a significant basis for the claims asserted by the proposed plaintiff class; and

''(cc) who is a citizen of the State in which the action was originally filed; and

''(III) principal injuries resulting from the alleged conduct or any related conduct of

each defendant were incurred in the State in which the action was originally filed; and

''(ii) during the 3-year period preceding the filing of that class action, no other class action has been filed asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons; or

''(B) two-thirds or more of the members of all proposed plaintiff classes in the aggregate, and the primary defendants, are citizens of the State in which the action was originally filed.

''(5) Paragraphs (2) through (4) shall not apply to any class action in which—

''(A) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

''(B) the number of members of all proposed plaintiff classes in the aggregate is less than 100.

''(6) In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs.

''(7) Citizenship of the members of the proposed plaintiff classes shall be determined for purposes of paragraphs (2) through (6) as of the date of filing of the complaint or amended complaint, or, if the case stated by the initial pleading is not subject to Federal jurisdiction, as of the date of service by plaintiffs of an amended pleading, motion, or other paper, indicating the existence of Federal jurisdiction.

''(8) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

''(9) Paragraph (2) shall not apply to any class action that solely involves a claim—

''(A) concerning a covered security as defined under 16(f)(3) of the Securities Act of 1933 (15 U.S.C. 78p(f)(3)) and section 28(f)(5)(E) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(f)(5)(E));

''(B) that relates to the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

''(C) that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) and the regulations issued thereunder).

''(10) For purposes of this subsection and section 1453, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

''(11)(A) For purposes of this subsection and section 1453 of this title, a foreign corporation which acquires a domestic corporation in a corporate repatriation transaction shall be treated as being incorporated in the State under whose laws the acquired domestic corporation was organized.

''(B) In this paragraph, the term 'corporate repatriation transaction' means any transaction in which—

''(i) a foreign corporation acquires substantially all of the properties held by a domestic corporation;

''(ii) shareholders of the domestic corporation, upon such acquisition, are the beneficial owners of securities in the foreign corporation that are entitled to 50 percent or more of the votes on any issue requiring shareholder approval; and

''(iii) the foreign corporation does not have substantial business activities (when compared to the total business activities of the corporate affiliated group) in the foreign country in which the foreign corporation is organized.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1335(a)(1) is amended by inserting ''subsection (a) or (d) of'' before ''section 1332''.

(2) Section 1603(b)(3) is amended by striking ''(d)'' and inserting ''(e)''.

SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) IN GENERAL.—Chapter 89 is amended by adding after section 1452 the following:

''§ 1453. Removal of class actions

''(a) DEFINITIONS.—In this section, the terms 'class', 'class action', 'class certification order', and 'class member' shall have the meanings given such terms under section 1332(d)(1).

''(b) IN GENERAL.—A class action may be removed to a district court of the United States in accordance with section 1446 (except that the 1-year limitation under section 1446(b) shall not apply), without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed by any defendant without the consent of all defendants.

''(c) REVIEW OF REMAND ORDERS.—

''(1) IN GENERAL.—Section 1447 shall apply to any removal of a case under this section, except that notwithstanding section 1447(d), a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.

''(2) TIME PERIOD FOR JUDGMENT.—If the court of appeals accepts an appeal under paragraph (1), the court shall complete all action on such appeal, including rendering judgment, not later than 60 days after the date on which such appeal was filed, unless an extension is granted under paragraph (3).

''(3) EXTENSION OF TIME PERIOD.—The court of appeals may grant an extension of the 60-day period described in paragraph (2) if—

''(A) all parties to the proceeding agree to such extension, for any period of time; or

''(B) such extension is for good cause shown and in the interests of justice, for a period not to exceed 10 days.

''(4) DENIAL OF APPEAL.—If a final judgment on the appeal under paragraph (1) is not issued before the end of the period described in paragraph (2), including any extension under paragraph (3), the appeal shall be denied.

''(d) EXCEPTION.—This section shall not apply to any class action that solely involves—

''(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 (15 U.S.C. 78p(f)(3)) and section 28(f)(5)(E) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(f)(5)(E));

''(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

''(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) and the regulations issued thereunder).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

''1453. Removal of class actions.''.

(c) CHOICE OF STATE LAW IN INTERSTATE CLASS.—Notwithstanding any other choice of law rule, in any class action over which the United States district courts have jurisdiction and that asserts claims arising under State law concerning products or services marketed, sold, or provided in more than 1 State on behalf of a proposed class which includes citizens of more than 1 such State, as to each such claim and any defense to such claim, the district court shall not deny class certification, in whole or in part, on the ground that the law of more than 1 State will be applied.

SEC. 6. REPORT ON CLASS ACTION SETTLEMENTS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report on class action settlements.

(b) CONTENT.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members that the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) AUTHORITY OF FEDERAL COURTS.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorneys' fees.

SEC. 7. ENACTMENT OF JUDICIAL CONFERENCE RECOMMENDATIONS.

Notwithstanding any other provision of law, the amendments to rule 23 of the Federal Rules of Civil Procedure, which are set forth in the order entered by the Supreme Court of the United States on March 27, 2003, shall take effect on the date of enactment of this Act or on December 1, 2003 (as specified in that order), whichever occurs first.

SEC. 8. RULEMAKING AUTHORITY OF SUPREME COURT AND JUDICIAL CONFERENCE.

Nothing in this Act shall restrict in any way the authority of the Judicial Conference and the Supreme Court to propose and prescribe general rules of practice and procedure under chapter 131 of title 28, United States Code.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the rule, I claim the time in opposition.

The SPEAKER pro tempore. Pursuant to House Resolution 96, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

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

Mr. Speaker, I would like to briefly describe why this substitute is the superior piece of legislation before us today. The substitute is much better for the following reasons: civil rights carve-out. The substitute would carve out State civil rights claims in order to make sure that civil rights plaintiffs, especially those seeking immediate injunctive relief, can have their grievances addressed in a timely manner.

Believe me, this is an issue of great moment to those of us who are still prosecuting for a fair day in our Nation and have civil rights laws to back us up, but we now are pleading to keep the proper forums. For example, every State in the Union has passed a law prohibiting discrimination on the basis of disability. The language does not affect the Federal jurisdiction over Federal claims.

The second consideration for this is the wage-and-hour carve-out. Wage-and-hour class actions are often brought in State courts because State wage-and-hour remedies are often, I am sorry to say, more complete than the Federal wage-and-hour statute; and we have examples of that.

The third reason: we exclude non-class action cases involving physical injuries. The measure before us applies not only to class actions, but also to mass torts. The Democratic substitute removes the mass tort language. And then, of course, the attorney general carve-out which clarifies cases brought by State attorneys general are excluded from the provisions of the class action bill and would not be forced into Federal court.

These are the major reasons why we encourage a supportive vote for the substitute to the measure that is being debated today.

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

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

Mr. Speaker, I rise in opposition to the Democratic substitute amendment and urge my colleagues to reject it. The new math behind the substitute amendment rests on the following arithmetic: if you add a number of amendments rejected by large bipartisan majorities in the other body last week and combine them with the amendment ideas overwhelmingly rejected on the House floor by a bipartisan vote last year, the sum will somehow equal a credible solution. Funny math.

Mr. Speaker, this formula simply does not add up. The American consumers and businesses will be left with change in their pockets if the amendment passes. The Democratic substitute is less than the sum of its parts and represents a quotient that renders Senate Bill 5's core reform elements meaningless.

The individual elements of this proposal deserve some comment and explanation. First, I note with some amusement that the substitute totally recycles the findings of S. 5. The pages of findings discuss abusive class action windfall settlements for trial attorneys, forum shopping, and the need for more of these large interstate class action cases to be in Federal court.

While the minority substitute reargues the compelling case for reform of the class action system, it is followed by text that will only perpetuate the crisis the findings identify. Their admitting you have a problem is the first step to recovery, and we appreciate that admission; but the minority sponsors clearly are not ready for step two.

One element of the substitute amendment is the State attorney general provision allowing any class action to be brought by or on behalf of the State attorney general to be in State court. This provision is unnecessary because when State attorneys general sue on behalf of their citizens, those actions are almost always ''parens patriae'' actions, and not class actions; and the former will be in no way affected by this bill.

Also, the provision could produce troubling associations between attorneys general and plaintiffs' lawyers. For these reasons, the Pryor amendment in the other body that this provision copies verbatim failed to garner even 40 votes on the Senate floor last week.

A second element of the substitute is the ''choice of law'' provision. This provision would not only eviscerate the bill, but also would overturn 70 years of established Supreme Court precedent and would export to Federal courts a primary expedient of class action abuse we seek to remedy: the reckless application by local courts of the law of one State to the entire Nation in large interstate cases.

□ 1200

This provision is reprinted from a Senate amendment by Senator FEINSTEIN and Senator BINGAMAN. It was also soundly defeated.

The third element of the substitute is the so-called labor and civility rights carveout. This provision seeks to keep all class actions involving alleged civil rights and labor law violations in State court, despite the fact that the most generous racial discrimination and employment class action settlements in recent years have been in the Federal courts. The language was also offered in the other body and rejected.

Other major elements of the substitute include one our colleagues might remember as the Jackson-Lee House floor amendment to the bill in the last Congress. That amendment makes companies that incorporate abroad for tax purposes a citizen of a State and punishes them by keeping them out of Federal court. This is at least an admission that going into certain State courts as a defendant is indeed punishment, and that amendment was defeated in this House by the last Congress by a vote of 183 to 238. There is also a loophole creating a provision on mass actions and a completely unnecessary public disclosure provision, both based on Senate amendments in the other body that were offered and withdrawn.

What the minority has chosen as a substitute package certainly belies any grumblings about the lack of regular order this year. Since there is not a single original idea among the provisions that has not already been debated and defeated either in this House or the other body, it is hard to give credence to such complaints. This is a package of oldies but not goodies; oldies that have been rejected and should not be resurrected.

Finally, Mr. Speaker, a vote on this substitute is clearly just a vote to further deny or delay meaningful class action reform, and a vote on the substitute could not in any way be construed as reform of any kind but, rather, support for the trial-lawyer-dominated status quo.

I urge my colleagues to reject this recycled package of recycled amendments. The time for reform of a class action system which is out of control is now.

I urge my colleague to vote ''no'' on the substitute, and ''yes'' on S. 5.

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

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of the substitute. One of the problems with the substitute is you have to debate all of the different issues all at once. If we had the opportunity to introduce individual amendments, we could have discussed them one at a time and had a much more coherent discussion.

As it has been said, the underlying bill does not extinguish the right to get to court but it does gratuitously complicate the litigation. It does not fix coupons, it just moves them from State court to Federal courts. It adds procedural hurdles, and this substitute removes many of those hurdles.

The main thing it does is it carves out many of the different cases that belong in State court or at least ought to have the opportunity in the State

court. It also fixes the yo-yo effect where you start off in State court, get removed to Federal court, Federal court does not certify the class, and then what happens? I guess you come back to State court or, I do not know, you might not be able to get back to State court. You may end up in a procedural trap where you have lost your case just in the time it takes to get over there and try to get back.

This amendment fixes that quagmire. It also carves out, as has been said, the State civil rights cases where some States have civil rights laws that are stronger and cover different people, different classes than the Federal laws. Wage and hour laws, some States have better laws than the Federal court. Mass torts where you have not class actions per se, but a lot of different litigants all in the same State. It fixes the problem with Attorneys General in bringing a case in State court on behalf of not only members of their State, but if the injury has occurred to a lot of other people, the Attorney General might want to bring that case.

I have a letter, Mr. Speaker, signed on this specific issue by 47 Attorneys General.

It also denies benefits under the bill for tax traitors, those who move their corporate headquarters off shore to avoid corporate taxes; and it also provides a limitation on sealed settlements that the gentleman from New York (Mr. NADLER) has been very active in making sure that cases that are settled cannot be sealed beyond public view, unless if such a sealing would violate public health or other important considerations.

This is a well-reasoned substitute. It eliminates many but not all of the problems in the underlying bill, and I would hope that the House would adopt the substitute.

NATIONAL ASSOCIATION
OF ATTORNEYS GENERAL,
Washington, DC, February 7, 2005.

Hon. BILL FRIST,
Senate Majority Leader, U.S. Senate,
Dirksen Building, Washington, DC.
Hon. HARRY REID,
Senate Minority Leader, U.S. Senate,
Hart Building, Washington, DC.

DEAR SENATE MAJORITY LEADER FRIST AND SENATE MINORITY LEADER REID: We, the undersigned State Attorneys General, write to express our concern regarding one limited aspect of pending Senate Bill 5, the ''Class Action Fairness Act,'' or any similar legislation. We take no position on the Act as a general matter and, indeed, there are differing views among us on the policy judgments reflected in the Act. We join together, however, in a bipartisan request for support of Senator Mark Pryor's potential amendment to S. 5, or any similar legislation, clarifying that the Act does not apply to, and would have no effect on, actions brought by any State Attorney General on behalf of his or her respective state or its citizens.

As Attorneys General, we frequently investigate and bring actions against defendants who have caused harm to our citizens. These cases are usually brought pursuant to the Attorney General's parens patriae authority under our respective 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. It is our concern that certain provisions of S. 5 might be misinterpreted to hamper the ability of the Attorneys General to bring such actions, thereby impeding one means of protecting our citizens from unlawful activity and its resulting harm.

The Attorneys General have been very successful in litigation initiated to protect the rights of our consumers. For example, in the pharmaceutical industry, the States have recently brought enforcement actions on behalf of consumers against large, often foreign-owned, drug companies for overcharges and market manipulations that illegally raised the costs of certain prescription drugs. Such cases have resulted in recoveries of approximately 235 million dollars, the majority of which is earmarked for consumer restitution. In several instances, the States' recoveries provided one hundred percent reimbursement directly to individual consumers of the overcharges they suffered as a result of the illegal activities of the defendants. This often meant several hundred dollars going back into the pockets of those consumers who can least afford to be victimized by illegal trade practices, senior citizens living on fixed incomes and the working poor who cannot afford insurance.

We encourage you to support the aforementioned amendment exempting all actions brought by State Attorneys General from the provisions of S. 5, or any similar legislation. It is important to all of our constituents, but especially to the poor, elderly and disabled, that the provisions of the Act not be misconstrued and that we maintain the enforcement authority needed to protect them from illegal practices. We respectfully submit that the overall purposes of the legislation would not be impaired by such an amendment that merely clarifies the existing authority of our respective States.

Thank you for your consideration of this very important matter. Please contact any of us if you have questions or comments.

Sincerely,

Mike Beebee, Attorney General, Arkansas.
Gregg Renkes, Attorney General, Alaska.
Mark Shurtleff, Attorney General, Utah.
Fiti Sunia, Attorney General, American Samoa.
Terry Goddard, Attorney General, Arizona.
John Suthers, Attorney General, Colorado.
Jane Brady, Attorney General, Delaware.
Charlie Crist, Attorney General, Florida.
Mark Bennett, Attorney General, Hawaii.
Stephen Carter, Attorney General, Indiana.
Bill Lockyer, Attorney General, California.
Richard Blumenthal, Attorney General, Connecticut.
Robert Spagnoletti, Attorney General, District of Columbia.
Thurbert Baker, Attorney General, Georgia.
Lawrence Wasden, Attorney General, Idaho.
Tom Miller, Attorney General, Iowa.
Greg Stumbo, Attorney General, Kentucky.
Steven Rowe, Attorney General, Maine.
Tom Reilly, Attorney General, Massachusetts.
Mike Hatch, Attorney General, Minnesota.
Jay Nixon, Attorney General, Missouri.
Jon Bruning, Attorney General, Nebraska.
Kelly Ayotte, Attorney General, New Hampshire.
Charles Foti, Attorney General, Louisiana.
Joseph Curran, Attorney General, Maryland.
Mike Cox, Attorney General, Michigan.
Jim Hood, Attorney General, Mississippi.
Mike McGrath, Attorney General, Montana.
Brian Sandoval, Attorney General, Nevada.
Peter Harvey, Attorney General, New Jersey.
Eliot Spitzer, Attorney General, New York.
Wayne Stenehjem, Attorney General, North Dakota.
Jim Petro, Attorney General, Ohio.
Hardy Myers, Attorney General, Oregon.
Roberto Sanchez Ramos, Attorney General, Puerto Rico.
Henry McMaster, Attorney General, South Carolina.
Roy Cooper, Attorney General, North Carolina.
Pamela Brown, Attorney General, N. Mariana Islands.
W.A. Drew Edmondson, Attorney General, Oklahoma.
Tom Corbett, Attorney General, Pennsylvania.
Patrick Lynch, Attorney General, Rhode Island.
Lawrence Long, Attorney General, South Dakota.
Paul Summers, Attorney General, Tennessee.
Darrell McGraw, Attorney General, West Virginia.
Patrick Crank, Attorney General, Wyoming.
Rob McKenna, Attorney General, Washington.
Peg Lautenschlager, Attorney General, Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished majority Whip.

Mr. BLUNT. Mr. Speaker, the vote in this House we will take within the hour will leave only one more step, the President's signature, in this first major attack on lawsuit abuse.

I oppose the substitute and support the bill. I want to express my appreciation to the gentleman from Wisconsin (Mr. SENSENBRENNER) and his committee and all the Members, in fact, who have been willing to take on this tough fight, but particularly to the chairman for working hard to find a way to get this bill on the floor and to the President this early in this Congress.

Frivolous lawsuits are clogging America's judicial system, endangering America's small businesses, jeopardizing jobs, and driving up prices for consumers. The bill we are debating today will reduce these junk lawsuits through tougher sanctions and increased commonsense protections.

The past few years have witnessed an explosion of interstate class actions being filed in State courts, particularly in certain magnet jurisdictions. These magnet courts are filled with class action abuses. They routinely approve settlements in which the lawyers receive large fees and the class members receive virtually nothing.

The Class Action Fairness Act is a commonsense bipartisan plan that addresses this serious problem by allowing larger interstate class action cases, cases that truly do involve multiple States, to be filed in Federal court. In addition to unclogging certain overused courts, this bill ends the harassment of local businesses through forum shopping. Lawyers who now manipulate this system often do anything to stay out of Federal court. They sometimes name a local pharmacy or a local convenience store in a nationwide product liability suit simply because they believe that court, and that court often has created a reputation as the place to go to get unjust settlements.

Sometimes they wait and amend their complaint and add millions of dollars of claims after the deadline for removal to Federal court. This bill stops this unfair practice as well.

This bill also establishes a much-needed class action rights bill. Several provisions are specifically designed to ensure that class members, not their attorneys, are the primary beneficiaries of the class action process.

Six years ago on this floor we really began the process of attacking this system. The stories go on and on and on, to the point that by the time we passed legislation like this in the last Congress for the third Congress straight, Members were eager to just simply get a couple of minutes to talk about one of the classes where the people in the class get a dollar-off coupon, the people in the class get the smallest possible box of Cheerios, the people in the class get a 31-cent check, or the people in the class even wind up having to pay the lawyers of the class additional money because there really was no money for the people in the class that was being determined.

This bill requires that judges carefully review settlements and limits attorneys fees when the value of the settlement received by the class members is minor in comparison or when there is a net loss settlement where the class members actually end up losing money.

This bill bans settlements that award some class members a large recovery simply because they live closer to the court that the lawyers shopped for to get that case in that judge's court.

It allows Federal courts to maximize the benefit of class action settlements by requiring that unclaimed settlement funds be donated to charitable organizations.

The Class Action Fairness Act is good for small business and good for consumers. I urge a ''no'' vote on the substitute. I urge my colleagues to support this important legislation.

Mr. Speaker, I thank the chairman and his committee for their hard work on this effort.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader of our caucus.

Ms. PELOSI. Mr. Speaker, I rise in strong opposition to this legislation.

Today Republicans are bringing to the floor as their first major legislative action a payback to big business at the expense of consumers. The Republican agenda is to ensure that some Americans do not get their day in court.

Make no mistake that this class action bill before us today is an extreme bill. It is not a compromise bill as some have claimed. It is an extreme bill that is an injustice to consumers and a windfall for irresponsible corporations. Consumers will be hit hard by this bill, Mr. Speaker. It lumps together individual personal injury cases such as those involving Vioxx, which are not class action under current procedures, and forces them into the Federal courts. Doing so will greatly increase the likelihood that such cases will never be heard.

When Americans are injured or even killed by Vioxx or Celebrex or discriminated against by WalMart, they may never get their day in court. Those cases that do go forward will take significantly longer because the Federal courts are overburdened and unequipped for this caseload. That is why the bill is opposed by Federal judges, including The Judicial Conference of the United States. Special interests have even admitted that the real intent of this bill is to clog the Federal courts and, therefore, stop the cases.

To irresponsible corporations, however, the class action bill is a belated Valentine. It is exactly what they have asked for. Powerful corporations will largely be immune from the accountability that currently comes from meritorious State class action cases. For example, this bill would help shield large corporations from any accountability for Enron-style shareholder fraud, for activities that violate employee rights under State law, and for telemarketing fraud targeted at the elderly.

It should come as no surprise, however, that Republicans are seeking yet another way to protect irresponsible corporations.

The Washington Post reported that last year's Republican medical malpractice bill contained special liability protections that would have precluded consumers from suing to recover punitive damages arising for the types of injuries caused by Vioxx and Celebrex. Protecting big drug companies is always at the top of the Republican agenda. We saw that in the prescription drug bill under Medicare. This is yet again another example of Republicans being the handmaidens of the pharmaceutical industry.

This bill also runs counter to the principles of federalism that my colleagues on the other side of the aisle claim to support. It throws thousands of State cases into Federal courts that are not equipped to adjudicate State laws. For instance, lawsuits involving the enforcement of the State hourly wage laws, which often have greater protections than Federal wage laws, would be forced into Federal courts. In fact, 46 State Attorneys General on a bipartisan basis have requested an exemption so that they can continue to protect their citizens under the State consumer protection laws in State courts. The Republicans have rejected that request while Democrats have incorporated it into our substitute.

Democrats in our substitute support sensible approaches that weed out frivolous lawsuits but not meritorious claims. Our Democratic substitute says that certain kinds of cases must always have their day in court. Physical injury cases, civil rights cases, wage and hour cases, State Attorneys General cases, and others must be heard if we are to remain a Nation that strives for justice for all.

President Harry Truman said it so well. ''The Democratic party stands for the people. The Republican party stands, and has always stood, for special interest.''

I urge my colleagues to stand up to the special interests, to support the Democratic substitute, to listen, to listen to the recommendation of the Federal judges and the Judicial Conference of the United States and oppose this extreme legislation.

□ 1215

Mr. SENSENBRENNER. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me time.

Mr. Speaker, all Americans should thank the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Wisconsin (Chairman SENSENBRENNER) for their leadership on this most important issue.

The Class Action Fairness Act is a bipartisan, sensible bill that clarifies the rights of consumers and restores confidence in America's judicial system. It reforms the class action system and addresses the abuses that harm so many Americans.

We have all heard of the lawsuits in which plaintiffs walk away with pennies, sometimes literally, while the attorneys walk away with millions of dollars in fees. This problem will be addressed by providing greater scrutiny over settlements that involve coupons or very small cash amounts.

This legislation also ensures that deserving plaintiffs are able to make full use of the class action system. It allows easier removal of class action cases to Federal courts. This is important because class actions tend to affect numerous Americans and often involve millions of dollars. Federal court is the right place for such large lawsuits.

Moving more class actions to Federal courts also prevents one of the worst problems in class actions today, forum shopping.

Mr. Speaker, while many concessions were made on both sides, this is still a very worthwhile bill that contains many good reforms, and I fully support it and look forward to its enactment into law and also encourage my colleagues to support it as well.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the Committee on the Judiciary.

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

I rise in strong opposition to this egregious legislation and in support of the Conyers/Nadler/Jackson-Lee substitute amendment.

This substitute amendment amends this bill in several ways to ensure that consumers, workers and victims in personal injury cases are not precluded from having a fair opportunity to present their cases in court. I know the distinguished minority leader and others have mentioned some of these instances.

My good friend Eliot Spitzer, the distinguished attorney general of New York State, has joined 46 State attorneys general in expressing their concern that this legislation could limit their power to investigate and bring actions in their State courts against defendants who have caused harm to their citizen. Our amendment clarifies that cases brought by States attorneys general will not be subject to the provision of this bill and would not be forced into Federal court.

The substitute also includes a provision which I have advocated for many years, which actually was supported by the distinguished chairman and passed the Committee on the Judiciary a couple of times, to limit the ability of corporations settling lawsuits to demand that records that may indicate threats to public health and safety be sealed, unless it is necessary to protect trade confidentiality.

The substitute provides that when such a gag order is requested, and it is normally requested by both the plaintiff and the defendant because in the settlement the defendant insists on this as a condition of the settlement, the court then rubber stamps it. This substitute provides that if such a gag order is requested, the court must make a finding as to whether the defendant's interest in confidentiality outweighs the public interest in knowing of the threat to its health or safety.

If the court finds that the privacy interest outweighs the public interest, the court will issue the gag order. If the court finds the public interest in health and safety outweighs the privacy interest claimed in the specific case, the court must prohibit the sealing of the information.

Too often, critical information is sealed from the public and people are harmed as a result. How many people were killed or injured because the court sealed records relating to exploding Firestone tires, for one example. This provision will allow the public to learn of threats to this health and safety so as to take proper action to protect the public, while protecting legitimate confidential information.

The Conyers/Nadler/Jackson-Lee substitute amendment also deals with a major catch-22 created by the bill for victims of large and complex multistate court torts. On the one hand, the bill provides State courts cannot hear such cases; but when these cases are removed to Federal court, plaintiffs will find that the Federal courts routinely refuse to hear them. Federal courts are very reluctant to certify a multistate consumer class action suit, and six circuit courts and 26 district courts have expressly refused to consider certifying cases where several State laws apply.

Our substitute protects victims from facing this catch-22 and having the courtroom door completely closed to them by providing that if these cases are removed to Federal court by this bill, the Federal courts cannot refuse to certify a class action simply because more than one State law applies.

I urge my colleagues not to allow this bill to completely deny victims their day in court, either in State court or in Federal court. That would render this bill completely hypocritical. I urge my colleagues to vote ''yes'' on the Conyers/Nadler/Jackson-Lee substitute and ''no'' on the main bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), the author of the bill.

Mr. GOODLATTE. Mr. Speaker, I thank the chairman for yielding me time and for his leadership in bringing this legislation to the floor and for working with the Senate to achieve the compromise that we need.

The gentlewoman from California (Ms. PELOSI), the minority leader, called this an extreme Republican measure. Apparently, she has not spoken to her own fellow San Franciscan and senior Senator from her State, DIANNE FEINSTEIN, who negotiated the compromise that has brought this legislation to the floor of the House, or to Senator CHUCK SCHUMER, also a member of the Committee on the Judiciary on the Democratic side in the Senate, or 16 other Democratic Senators who voted for this legislation.

She also apparently has not spoken to members of her own Democratic Caucus, many of whom have voted for this legislation in each of the last three Congresses that have passed the House of Representatives and many more of whom will vote for the legislation today.

A number of the folks who have spoken on the other side of the aisle criticizing the legislation have cited total inaccuracies about what the legislation will do.

The gentleman from Massachusetts (Mr. MARKEY) would not yield to me, but he said that the Amerada Hess case in New Hampshire, with gasoline leaking into groundwater, would not be heard in the State court; but if you live in New Hampshire and you have gasoline leaking in your groundwater and virtually all of the plaintiffs are New Hampshire residents, the case, under this bill, would be heard in the State courts.

Some have mentioned the Vioxx case against Merck would be affected by this, and they have argued that Senate 5 should be rejected because it will hurt consumers bringing Vioxx cases against Merck. The truth, however, is that this legislation will have absolutely no effect on Vioxx suits. Here is why: the majority of personal injury cases brought against Merck are individual cases that would not be affected by the bill in any manner whatsoever. These include more than 400 personal injury cases that are part of a coordinated proceeding in New Jersey State court. None of these cases will be affected by the bill because they are neither class actions nor mass actions.

Now, what kind of cases would be affected by this legislation? Well, let me show my colleagues how a select number of class action trial lawyers play the class action wheel of fortune.

How about the Kay Bee Toys case where the lawyers got $1 million in attorneys fees and the consumers got 30 percent off selected products of an advertised sale at Kay Bee Toys for one week.

Or the Poland Spring Water case where the lawyers got $1.35 million in the wheel of fortune and the consumers got coupons to buy more of the water that the lawyers were alleging was defective.

How about the Ameritech case. The price goes up, $16 million for those lawyers; the consumers, $5 phone cards.

How about the Premier Cruise line case. The lawyers got nearly $900,000. The consumers got $30 to $40 off of their next thousand dollar cruise, with a coupon to buy more of the product the lawyers were alleging was defective.

Or the computer monitor litigation, $6 million in attorneys fees in a case alleging that the size of the computer screen was slightly off, and therefore, they were entitled to something. What did the consumers get? A $13 rebate to purchase their next purchase.

How about the register.com case, $642,500 to the lawyers. The consumers, $5-off coupons.

My favorite case, the case against Chase Manhattan Bank, the lawyers got $4 million in attorneys fees, but the plaintiffs that allegedly the opponents of this bill are protecting, they got 33 cents. Here is one of the actual checks. The catch was that at the time, to accept this 33-cent magnanimous check, they had to use a 34-cent postage stamp to send in the acceptance to get their 33-cent fee.

How about the case that President Bush cited last week when he highlighted problems with this of the woman who had a defective television set against Thompson Electronics, found she had been made a member of a class action seeking redress of her grievances and many others against Thompson Electronics. What did the lawyers get? $22 million in attorneys fees. What did she get? A coupon for $25 to $50 off her next purchase of exactly what she did not want, another Thompson Electronics television set.

Now, the gentlewoman from California, the minority leader, also cited the Washington Post. Let me tell my colleagues, the Washington Post has repeatedly endorsed this legislation, along with over a hundred other major newspapers, the Washington Post, the Wall Street Journal, the Financial Times, Christian Science Monitor, on and on the list goes. And here is what the Washington Post said, and that is why we need to pass this legislation today. The clients get token payments while the lawyers get enormous fees. This is not justice. It is an extortion racket that only Congress can fix.

I urge my colleagues to pass the bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New York (Mr. WEINER), a distinguished member of the Committee on the Judiciary.

Mr. WEINER. Mr. Speaker, I thank the gentleman from Michigan for the time.

Sometimes during these debates I like to step in to take a perspective of someone on the committee who is not a lawyer; but I have to tell my colleagues, the previous speaker, the gentleman from Virginia, went to great lengths to talk about the lawyers fees. There is nothing in this bill that limits lawyers fees, and there is not anything in the bill actually that argues for his point, which is apparently that there should be a minimum amount that wrongdoers pay to each individual aggrieved person, which is a novel argument, I have not heard it made by my colleague before, saying that the plaintiffs are receiving too little now.

Let me explain very briefly why it is that we have situations like that. Those of us who are individuals of modest means, if we have been aggrieved by a major company, if they have done something that has harmed our health or our community or our family, we as individuals frankly do not have the ability to take on a major company to stop them from doing the wrongful things, to make sure they understand that there is a cost of doing it. So we join together as a community and we bring these actions as a group. We cannot, frankly, pay the lawyer up front so they are paid on contingencies, and that is the way these actions get taken.

One thing the gentleman from Virginia did not say even once through that whole wheel of rhetoric was that any of those that were held accountable by juries of their peers were not guilty of those things. In those cases, those parties, each and every one of them, on the wheel of rhetoric actually was found by a judge or a jury to have done substantial bad things to the community. The system actually worked in those cases.

We can quibble about the person, the individual that wound up getting a payment. There were so many of them, millions of people who had been harmed by those companies, that when they were done divvying up what seemed like a very large judgment, tens of millions of dollars, there was only left a 35, 40-cent coupon and the like.

I stand perfectly ready to vote in favor of an amendment by the gentleman from Virginia to have minimum payments to people who have been harmed. If the gentleman thinks it is not enough that they get 35 cents, I am with him. Some of those companies did outrageous things to our community, and they should be held accountable. If my colleague thinks a 35-cent check is not enough, I am with him. Let us make minimum amounts that they pay for the injuries, that they have to get, because the harm is so great.

I want to remind my colleagues and the citizens watching this why the system is structured this way. Imagine for a moment if someone who is making a shoddy automobile, who was not paying attention to whether sharp objects got into a cereal box, did not have to be concerned about lawsuits anymore. Do my colleagues think they would really say let us hire that extra safety precaution, that extra employee to keep an eye out for consumers? No. They would be less inclined to do that.

The system works as it is intended. Are there abuses? I am sorry to say that there are some, and I wish we would address some of them in this legislation which, of course, we do not; but frankly to stand before the wheel of rhetoric, which really is a wheel of bad doers who got caught by the justice system, which we are trying to dismantle here today, and say this is evidence that the system does not work is entirely the opposite of the truth, unless my colleagues believe that a jury of people's peers cannot make these informed decisions, that we are the only people brilliant enough to make these decisions. I love these small government types who believe we have better judgment on these things than 12 men and women in a community, then we have to believe that the system in those cases worked.

I would say to my colleagues on both sides of the aisle that the Conyers/Nadler/Jackson-Lee substitute only puts lipstick on a fraud. It still leaves a very, very flawed bill; but at least we go from being completely destructive to only being moderately destructive, and we protect ourselves from some of the worst abuses.

□ 1230

Mr. Speaker, I urge a ''yes'' vote on the substitute, a ''no'' vote on the base bill, and I urge us to stop this drumbeat on the other side of blaming average Americans for being victimized by big corporations.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time, and I thank the gentleman from New York (Mr. WEINER) for raising the points on those cases on the class action wheel of fortune because he makes a good point. In not one of those cases was there any wrongdoing found on the part of any of those defendants because all of those were settlements. They were extortionate settlements because they are in the jurisdiction of a court where they know they are facing a hanging judge and a hanging jury.

The gentleman also raised another good point, and we should not leave plaintiffs in the situation where they get a 33-cent check or a coupon for a box of Cheerios, like in another case, and that is what this bill does. It requires extra-special scrutiny for coupon settlement cases so the courts will no longer let the manufacturers' attorneys and the defendants' attorneys come in with a settlement that simply gets out of the case, that gives the plaintiffs' attorney a huge sum of money and everyone else walks away and the plaintiffs get left holding the bag.

Mr. Speaker, the gentleman ought to talk to his colleague, the senior Senator from New York, the predecessor of his seat, who supported this legislation.

In addition, when the gentleman talks about abuse of plaintiffs in these cases, take into consideration the nationwide class action lawsuit filed in Alabama against the Bank of Boston, headquartered in Massachusetts, over mortgage escrow accounts. The class members won the case but actually lost money. Amazing.

Under the settlement agreement, the 700,000 class members received small payments of just a couple of dollars or

no money at all. About a year later, they found out that anywhere from $90 to $140 had been deducted from their escrow accounts. For what? To pay their lawyers' legal fees, of what? $8.5 million. And when some of those class members, some of those beleaguered plaintiffs, that I am glad the gentleman from New York is standing up for, sued their class action lawyers for malpractice, the lawyers countersued them for $25 million saying that their former clients were trying to harass them.

This is an extortionate practice. A small cartel of class action lawyers around the country are abusing the system and we need to change it.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentleman very much for yielding me this additional time, and I am surprised that such an able lawyer would be unwilling to engage in a debate on his time, but I will take 30 seconds simply to rebut what the gentleman said.

In every one of those cases on the wheel of rhetoric that the gentleman put up, those that were found guilty, those who were found to be responsible, those who were found to be culpable of doing harmful things to our community admitted it, paid a fine, paid a penalty, that was approved by a judge, and that is the fact; that the gentleman took cases of people who admitted with their actions there was wrongdoing involved.

And if they had not been caught by this system, I ask the gentleman, what system would they be caught by?

Mr. CONYERS. Mr. Speaker, I am pleased to yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE), a cosponsor of the substitute amendment.

Ms. JACKSON-LEE of Texas. Mr. Speaker, that pig may have lipstick, but I can tell my colleagues that it is still pretty unattractive.

It is interesting that my good friend from Virginia keeps talking about coupons and this 30 cents. What he is not telling those of us who understand what class action settlements really mean is that in the settlement comes the punishment for not doing or the incentive to not violate the law again. In the settlement comes an injunction that argues or stops the culprit, the violator, from doing harm again. There is an action. Class actions do not always generate into dollars to petitioners. If you have been done harm, you want that harm to stop immediately so someone else cannot be harmed.

And the class action lawsuit and the so-called millions of dollars to attorneys for attorneys fees does not take into account the preparation for that case, the depositions, the travel. So it looks as if there is a great bounty or a gift being given to lawyers who are working to ensure that the punitive entity, the entity that has caused thousands of employees to lose pensions from corporations, the entity such as MCI and others who have thrown away their corporate responsibility to their employees and caused them to lose all their money, who violated corporate laws and had the violation of trust and made sure that they did the self-dealing, these class actions were to say ''and do that no more,'' and ''we will not allow you to do that anymore.''

For example, the particular amendment that is included in the Conyers-Nadler-Jackson-Lee substitute, which I rise enthusiastically to support, the tax traitor corporation which leaves America and incorporates somewhere else and depletes all of its savings accounts, or all of its accounts, so therefore if there is an action, if you are harmed, if you are hurt and you sue here in the United States, you look up in the court and you find out there is empty pockets. Why? Because they have overcome the laws of this land. They have absconded and you have no way of seeking relief. The substitute includes the relief that is necessary to ensure that citizens and consumers are protected.

There is a civil rights carveout, so that you have a right to address your grievances without the expenses of a Federal Court. There is a wage and hour carveout, so that you can file against a company in your local jurisdiction as a class action when you have been violated on the minimum wage. Physical injuries, so that when your child is injured in a park because of a defective product you have the right to go into your State courts and seek relief.

Now, I want to share with those who feel that we are now opening the doors of opportunity with the Federal courts. Let me share this with you. This is why this is a bogus litigation or legislation that will not work. Arizona has 159 State judges, only 13 Federal courts. Tell me the difference in being able to go into a court that has 159 judges versus those who have 13.

What about the State of South Carolina, with 48 State judges and merely 10 federal judges; or Rhode Island with 22 State judges and three Federal judges; New York with 593 State judges and a mere 52 Federal courts; Louisiana, 211 State judges and 22 Federal courts?

Frankly, there is a farce going on here. At the end of the 108th Congress there were 35 judicial vacancies in the Federal courts. There is no opportunity to go into the Federal courts. They are overburdened and overworked. Justice Rehnquist said something very important. He said, ''I have criticized Congress and the President for their propensity to enact more and more legislation which brings more and more cases into the Federal Court system. This criticism received virtually no public attention. If Congress enacts and the President signs new laws, allowing more cases to be brought into the Federal courts, just filling the vacancies will not be enough. We need additional judgeships.''

This is a farce, I am saddened to say, even with the compromise. We all want to see the judicial system work. I know my good friend from Virginia has good intentions, but this responds to a noncrisis with no resources, no added courts to the Federal bench, and the backlog of cases all over America simply slams the door to injured parties across this land.

The substitute is fair. It allows you to go into the State courts that have a bounty of judges, allows you to be heard, and it allows those corporate offenders or those products that have offended and harmed and maybe killed, those defective automobiles, to be in the courthouse and to have their concerns heard.

Mr. Speaker, I rise in opposition to this bill, S. 5, the Class Action Fairness Act. Unfortunately for the millions of aggrieved plaintiffs in America with legitimate claims, this body has brought yet another piece of legislation to the floor that threatens to close the doors of the court.

This bill, despite its name, is *not* fair to all complainants who come to the courts for relief. In addition, it fails to render accountability to parties who are in the best financial position. One issue that I planned to address by way of amendment was that of punishing fraudulent parties to class action proceedings by preventing them from removing the matter to federal court.

I am a co-sponsor of the amendment in nature of a substitute that will be offered by my colleagues. With the provisions that it contains, requirements for Federal diversity jurisdiction will not be watered down resulting in the removal of nearly all class actions to Federal court. A wholesale stripping of jurisdiction from the State courts should not be supported by this body. Therefore, it needs to be made more stringent as to all parties and it needs to contain provisions to protect all claimants and their right to bring suit.

Contained within the amendment in nature of a substitute is a section that I proposed in the context of the Terrorist Penalties Enhancement Act that was included in the bill passed into law. This section relates to holding ''tax traitor corporations'' accountable for their terrorist acts. With respect to S. 5, the right to seek removal to Federal courts will be precluded for tax traitor corporations.

The ''tax traitor corporation'' refers to a company that, in bad faith, takes advantage of loopholes in our tax code to establish bank accounts or to ship jobs abroad for the main purpose of tax avoidance. A tax-exempt group that monitors corporate influence called ''Citizen Works'' has compiled a list of 25 Fortune 500 Corporations that have the most offshore tax-haven subsidiaries. The percentage of increase in the number of tax havens held by these corporations since 1997 ranges between 85.7 percent and 9,650 percent.

This significant increase in the number of corporate tax havens is no coincidence when

we look at the benefits that can be found in doing sham business transactions. Some of these corporations are tax traitor corporations because they have given up their American citizenship; however, they still conduct a substantial amount of their business in the United States and enjoy tax deductions of domestic corporations.

The provision in the substitute amendment will preclude these corporations from enjoying the benefit of removing State class actions to Federal court. Forcing these corporate entities to defend themselves in State courts will ensure that these class action claims will be fairly and fully litigated.

Mr. Speaker, S. 5 applies not only to class actions but to all tort cases. It is highly inefficient to overwhelm the Federal courts with the massive number of State claims that will come their way. Not only are the Federal courts less sympathetic to this kind of litigation, the practical effect will be that many cases will never be heard.

The barriers to gaining Federal jurisdiction to have a case heard is much higher than in State courts by virtue of their creation. As a result, the Federal courts will be quick to refuse class certification in complex litigation matters. State courts are better suited to adjudicate complex class actions.

I oppose this legislation and urge my colleagues to join me.

Mr. Speaker, I ask my colleagues to vote for the substitute and defeat the underlying bill.

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

Mr. Speaker, the amendment in the nature of a substitute completely guts this bill. Every crippling amendment that was rejected either in this House or the other body in this Congress or the previous Congress is incorporated in this amendment. They do not have any new ideas over there. They just repackage and try to regurgitate the old ideas that have been found lacking.

The issue in this bill is very clear, and that is that we have to restore some sanity to the civil justice system by dealing with the abuses that a small group of lawyers have turned the class action system into.

When the framers of the Constitution wrote that inspired document, they gave Congress the power to regulate interstate Congress. What has happened as a result of the abuse of the class action system is that judges in small out-of-the-way counties, like Madison County, Illinois and Jefferson County, Texas end up being the ultimate arbiters of interstate commerce.

This bill puts some balance back into the system. The amendment perpetuates the existing system. Vote ''no'' on the amendments, vote ''no'' on the motion to recommit, and pass the bill.

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

The SPEAKER pro tempore (Mr. COLE of Oklahoma). Pursuant to House Resolution 96, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. CONYERS).

The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. CONYERS).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 178, nays 247, not voting 9, as follows:

[Roll No. 36]

YEAS—178

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

NAYS—247

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

NOT VOTING—9

Davis (IL)
Eshoo
Farr
Rangel
Reichert
Stupak
Sullivan
Thomas
Young (FL)

□ 1308

Messrs. CULBERSON, SIMMONS, BASS, GOODE, GARY G. MILLER of California, HOBSON, FORD,

CUELLAR, and Mrs. CUBIN changed their vote from ''yea'' to ''nay.''

Messrs. GEORGE MILLER of California, SMITH of Washington, and MOLLOHAN changed their vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. COLE of Oklahoma). The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

MOTION TO COMMIT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BROWN of Ohio. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. Brown of Ohio moves to commit the bill S. 5 to the Committee on the Judiciary with instructions that the Committee report the same back to the House forthwith with the following amendments:

In section 1711(2) of title 28, United States Code, as added by section 3(a) of the bill, add after the period the following: ''The term 'class action' does not include any action arising by reason of the use of the drug Vioxx.''.

In section 1332(d)(1)(B) of title 28, United States Code, as amended by section 4(a)(2) of the bill, insert before the semicolon the following '', except that the term 'class action' does not include any action arising by reason of the use of the drug Vioxx''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes in support of his motion.

Mr. BROWN of Ohio. Mr. Speaker, Janet Huggins died last September. She was 39 years old. She had a 9-year-old son.

She had no personal or family history of heart problems, but she suffered a fatal heart attack just a month after she began taking a new medicine for her early-onset arthritis.

That medicine she took was Merck's anti-inflammatory drug, Vioxx. Cardiologist, Dr. Eric Topol, and other researchers at the Cleveland Clinic sounded the alarm in August of 2001.

Their article in the Journal of the American Medical Association pointed to increased occurrence of heart problems in patients taking Vioxx and similar Cox-II anti-inflammatory drugs. Dr. Topol even called Merck's CEO and research director to talk about his concerns. His calls went unanswered. His warnings went unheeded.

Instead, Merck continued to sell Vioxx, continued to spend $100 million a year on direct-to-consumer advertising, encouraging more and more Americans to buy Vioxx. That is what Ms. Huggins did. She was buried the same day that Merck finally took Vioxx off the market.

Her husband Monty has filed suit against Merck. His suit will be captured, along with thousands of other Vioxx suits, under the mass actions provisions of S. 5. This bill is designed to make it more difficult for Monty Huggins and others to pursue their claims that companies like Merck will never be held accountable.

S. 5 will make it more expensive for him and much harder for him to travel for court proceedings. It may even dead-end Monty Huggins' claim entirely.

Federal Courts have repeatedly refused to certify multistate class actions because they found them too complex to choose one State law over the other. So Monty Huggins may arrive in Federal Court only to find that is the end of the line.

The bitter irony here is that Vioxx claims are not really class actions at all.

Here is a good example of the sort of things settled by class action lawsuits. This iPod portable music player is all the rage. There are some people out there who thought the batteries on these things run out too quickly. They have filed a class action lawsuit against the manufacturer. If they win, everybody in the class probably gets a few bucks and the whole thing is done.

That is what class action lawsuits are about. They do not generally involve personal injuries. They do not generally involve huge losses. There is a world of difference, Mr. Speaker, between a faulty battery in this, and the death of a 39-year-old wife and mother.

Perhaps the worst aspect of this bill is that it treats these suits the same. We should strip out the whole class action, the mass action provision, but that is not realistic in this political environment.

My motion to commit prevents harm so obvious it cannot be ignored by specifically exempting Vioxx lawsuits.

Dr. Topol at the Cleveland Clinic, who I mentioned earlier wrote, ''Neither of the two major forces in this 5-and-a-half year affair, neither Merck nor the FDA, fulfilled its responsibilities to the public.''

This motion to commit offers an opportunity for someone at last to act responsibly.

If we adopt this motion to commit, Monty Huggins will have a fighting chance for justice. If we do not, the U.S. House of Representatives will join the list of those who betrayed the public's trust.

Mr. Speaker, I yield the reminder of my time to my friend, the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, the Class Action Fairness Act could not be more inappropriately named, and this motion to commit shows why.

Since 1999, Merck has spent over $100 million a year to advertise Vioxx. More than 80 million people took Vioxx, and the drug generated sales of $2.5 billion for Merck.

Merck should take responsibility for the harm their products may cause. Thousands, literally thousands of American families believe they lost a loved one or suffered personal harm because Vioxx was unsafe.

These families believe Merck knew of the danger Vioxx was causing, but allowed the drug to remain on the market anyway. Maybe they are right. Maybe they are not. But the point is that the so-called Class Action Fairness Act does not give them a fair chance to make their case before a jury of their peers.

The Class Action Fairness Act makes it very difficult for those who feel they were harmed by drugs like Vioxx from getting the justice they deserve. We should adopt this motion to commit and pass a Class Action Fairness Act worthy of the name.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to the motion to commit.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, first let me thank Chairman SENSENBRENNER for his leadership in bringing us to this historic point. He and I have been working on this for over 6 years. It has passed the House of Representatives three times before.

Due to his good work, it has now passed the Senate and we have the opportunity to send it to the President. He is waiting to sign it and we shouldn't waste any more time.

□ 1315

Now the truth about class action fairness and Vioxx. Critics have been arguing in the press that S. 5 should be rejected because it will hurt consumers bringing Vioxx cases against Merck. The truth is, however, that this legislation will have absolutely no effect on Vioxx suits, and here is why. The majority of personal injury cases brought against Merck are individual cases that would not be affected by the bill in any manner whatsoever. These include more than 400 personal injury cases that are part of a coordinated proceeding in New Jersey State Court. None of these cases will be affected by the bill because they are neither class actions nor mass actions.

Merck has been named in more than 75 statewide and nationwide class actions involving Vioxx, but only a small percentage are personal injury class actions. To the extent these cases do involve personal injury, most were already brought in or removed to Federal Court because each potential class member's claims exceeds $75,000. Thus, these cases are removable to Federal Court under the old rules.

There are a few cases which plaintiffs have joined together in mass action-type cases against Merck. However, not a single Vioxx case has been brought against Merck in State court by more than 100 plaintiffs, one of the requirements for removal to Federal Court under the class action legislation. Thus, there is no reason to believe that the mass action provision would affect any Vioxx-related cases whatsoever.

Most of the class actions have been brought against Merck. Since the legislation is not retroactive, it would absolutely have no effect on the 75 class actions already filed against Merck in the wake of the Vioxx withdrawal.

Mr. BROWN of Ohio. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. COLE of Oklahoma). Does the gentleman from Virginia yield to the gentleman from Ohio for a parliamentary inquiry?

Mr. GOODLATTE. Mr. Speaker, I do not yield.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) may continue.

Mr. GOODLATTE. Mr. Speaker, given the large number of suits already filed and the fact that every former Vioxx taker in America is already a proposed class member in numerous class actions, it is unlikely there will be many more class actions after the legislation is enacted.

It is bad legislation to have something pass that covers all class actions in the country for all time and name one specific product or one specific company in the legislation. It is irrelevant anyway.

Now, let me tell you the kinds of cases that are affected by this legislation. Take a look at the ''Class Action Wheel of Fortune'' on this chart. It will tell you what we are doing here today.

You have got the case against Ameritech. Ameritech, the attorneys for the plaintiffs got $16 million in attorneys fees. What did the plaintiffs they represent get? Five-dollar phone cards.

The Premier Cruise Line case, the lawyers got almost $1 million; the consumers got a $30- to $40-off coupon for their next cruise.

The computer monitor litigation case, the lawyers, $6 million in fees; the consumers, a $13 rebate against your next future purchase of the alleged defective product.

Register.com, $650,000 for the lawyers; $5 for the consumers.

KB Toys, $1 million for the lawyers; 30 percent off your selected product in a unadvertised 1-week sale at KB Toys.

Poland Spring Water, $1.35 million for the lawyers; a coupon for more of the allegedly defective water for the consumers.

My favorite case, however, is this one, the Chase Manhattan Bank case, where the lawyers got $4 million in attorneys fees; the plaintiffs, a check, we have got one right here, for 33 cents. But there was a catch, because if you wanted to accept the 33 cents, you had to use a 34-cent postage stamp to send in your acceptance notice. How is that for a bargain for you?

And how about the $22 million case that President Bush cited last week against Thompson Electronics? The lawyers got $22 million in attorneys fees; the plaintiffs, one of whom was there, got a $25- to $50-off coupon to buy more of what? The very television set that she was complaining was defective in the first place.

It is a racket, it is extortionate. The people of the country know it. When they are asked the question, who benefits from our class action industry today, 47 percent say it is the plaintiffs' lawyers; 20 percent say it is the lawyers for the companies; 67 percent of our public recognizes it is the lawyers who benefit from this system.

It is time we change it. This bill does just that. It protects American consumers and makes sure that they get justice by examining these ridiculous coupon settlements.

Mr. Speaker, I urge my colleagues to support this legislation, defeat the motion to commit, and send the bill to the President, and starting very soon, we will have justice for American consumers.

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

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BROWN of Ohio. Mr. Speaker, under provisions of this bill, is it not the case that all future Vioxx cases are prohibited?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

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

RECORDED VOTE

Mr. BROWN of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to commit will be followed by 5-minute votes on the passage of S. 5, if ordered, and the motion to suspend the rules on H. Res. 91.

The vote was taken by electronic device, and there were—ayes 175, noes 249, not voting 10, as follows:

[Roll No. 37]

AYES—175

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

NOES—249

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey

Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Buyer
Cox
Eshoo
Farr
Inglis (SC)
Jones (OH)
Rangel
Reichert
Shadegg
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1341

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

Mr. MARKEY changed his vote from ''aye'' to ''no.''

The SPEAKER pro tempore (Mr. MCHUGH). The question is on the passage of the Senate bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 279, nays 149, not voting 6, as follows:

[Roll No. 38]

YEAS—279

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

NAYS—149

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Engel
Etheridge
Evans
Fattah
Filner
Frank (MA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stark
Strickland
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—6

Baker
Eshoo
Farr
Rangel
Reichert
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1349

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND LEGACY OF FORMER LEBANESE PRIME MINISTER RAFIK HARIRI

The SPEAKER pro tempore (Mr. MCHUGH). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 91, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and agree to the resolution, H. Res. 91,

as amended, 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 409, nays 0, not voting 24, as follows:

[Roll No. 39]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
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
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
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
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
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
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
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
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
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Baker
Boehner
Capito
Eshoo
Farr
Feeney
Gallegly
Kaptur
Kind
Kirk
McIntyre
Mollohan
Pascrell
Radanovich
Rangel
Reichert
Ruppersberger
Sabo
Sanchez, Loretta
Sanders
Skelton
Stupak
Taylor (NC)
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in the vote.

□ 1357

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

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''A resolution condemning the terrorist bombing attack that occurred on February 14, 2005, in Beirut, Lebanon, that killed former Lebanese Prime Minister Rafik Hariri and killed and wounded others.''.

A motion to reconsider was laid on the table.

Stated for:

Ms. LORETTA SANCHEZ. Mr. Speaker, on Thursday, February 17, 2005, I was unavoidably detained due to a prior obligation. Had I been present and voting, I would have voted as follows: Rollcall No. 39, "yes" (H. Res. 91).

Mr. REICHERT. Mr. Speaker, I was absent on February 17, 2005 due to the funeral of a close friend. Had I been present, I would have voted "yes" on Rollcall No. 38.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO HAVE UNTIL MIDNIGHT, FEBRUARY 24, 2005 TO FILE REPORT ON H.R. 841

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration have until midnight, Thursday, February 24, 2005, to file a report to accompany H.R. 841.

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

There was no objection.

CONDITIONAL ADJOURNMENT TO MONDAY, FEBRUARY 21, 2005

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, February 21, 2005, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 66, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, MARCH 2, 2005

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, March 2, 2005.

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

There was no objection.

HONORING THE SOLDIERS OF THE ARMY'S BLACK CORPS OF ENGINEERS

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the concurrent resolution (H. Con. Res. 67) honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, reserving the right to object, however, I do not intend to object, I yield to the gentleman from Alaska (Mr. YOUNG) for an explanation of the resolution.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for introducing this resolution.

This resolution honors the soldiers of the Army's Black Corps of Engineers for their contribution in construction of the Alaska-Canada Highway during World War II.

There is no doubt about the enormous contribution made by these soldiers and the lasting legacy they left to Alaska and the security of our Nation.

This is long overdue and I strongly support the gentlewoman's resolution and appreciate her efforts.

Mr. Speaker, may I suggest somebody should read the great story of this Corps of Engineers brigade and what they were able to do, the work they put in, the time they put in, and the excellent job they did in building a highway of approximately 1,400 miles in less than 365 days of a year.

Again, I commend the gentlewoman for introducing this resolution. It is long overdue. And for those who do not understand this, drive this highway someday and you will understand the work they put in.

Ms. EDDIE BERNICE JOHNSON of Texas. Further reserving the right to object, Mr. Speaker, I would like to talk a little bit about the legislation that we are considering. The construction of the Alaska-Canada Highway from Dawson Creek, Canada to Fairbanks, Alaska in 1942 was heralded as one of America's greatest public works projects of the 20th century.

The emergency war measure, made necessary by the bombing of Pearl Harbor, was authorized by President Franklin Delano Roosevelt on February 11, 1942. The construction of the 1,522 mile long road through rugged unmapped wilderness and extreme temperatures ranging between 80 degrees below and 90 degrees above zero was completed in an astonishing 8 months and 12 days. Upon completion, the road was the only overland route that strategically linked Alaska and the lower 48 States and facilitated the construction of airstrips for refueling planes and vital supply routes during World War II.

Critical to the construction of the Alaska-Canada Highway were the men of the 93rd, 95th, and 97th regiments, in addition to the 388th battalion of the Army Corps of Engineers. Segregated by race and seldom recognized, members of the Black Corps of Engineers comprised over one-third of the total troop strength in this project.

In spite of severe racially discriminatory policies and detestable living and social conditions, the soldiers of the Black Corps of Engineers performed notably and unselfishly on this project.

□ 1400

Regretfully, since 1942, their contributions toward this country's Western defense during World War II and subsequent integration of the military have been excluded from many of the footnotes of history; but this being the last day we can make presentations during Black History Month, I am delighted and thankful that the gentleman from Alaska (Mr. YOUNG) knew about them and is cosponsoring this resolution.

It is with great pride and honor that I, with the cosponsorship of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), urge my colleagues to join me in honoring this group of soldiers whose works have existed in the shadows of the Nation's history since 1942, the Army's Black Corps of Engineers; and the Congressional Black Caucus joins me in supporting this. Let me thank again the gentleman from Alaska (Mr. YOUNG).

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. CONAWAY). Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 67

Whereas the bombing of Pearl Harbor necessitated constructing an overland route between Alaska and the lower 48 States for military purposes;

Whereas on February 11, 1942, President Franklin Delano Roosevelt authorized the construction of the Alaska-Canada Highway (also known as the ''Alcan Highway'');

Whereas construction of the Alcan Highway, a 1,522-mile long road from Dawson Creek, Canada, to Fairbanks, Alaska, was an engineering feat of enormous challenge;

Whereas the Alcan Highway was constructed by approximately 10,000 United States troops through rugged, unmapped wilderness and extreme temperatures, ranging from 80-degrees-below to 90-degrees-above zero;

Whereas the Corps of Engineers units assigned to construct the Alcan Highway were segregated by race;

Whereas the 93rd, 95th, and 97th Regiments and 388th Battalion of the Corps of Engineers, part of a group known as the ''Black Corps of Engineers'', were African American units assigned to the Alcan Highway project, and these units comprised one-third of the total engineering workforce on the project;

Whereas despite severe discriminatory policies, and abominable living and social conditions, the soldiers of the Black Corps of Engineers performed notably and unselfishly on the project;

Whereas on November 20, 1942, the Alcan Highway was completed in an astonishing 8 months and 12 days, becoming one of the Nation's greatest public works projects in the 20th century;

Whereas the Alcan Highway became the only land route that strategically linked the northern territory to the remainder of the continental United States and facilitated the construction of airstrips for refueling planes and vital supply routes during World War II;

Whereas although considerable praise was bestowed upon soldiers for exemplary work in constructing the Alcan Highway, the soldiers of the Black Corps of Engineers were seldom recognized; and

Whereas despite enduring indignities and double standards, the soldiers of the Black Corps of Engineers contributed unselfishly to the western defense in World War II and these contributions helped lead to the subsequent integration of the military: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizes the importance of these contributions to the subsequent integration of the military.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

APPOINTMENT OF HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MARCH 1, 2005

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

WASHINGTON, DC,
February 17, 2005.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through March 1, 2005.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of

the House to the Commission on Security and Cooperation in Europe:

Mr. CARDIN, Maryland;

Ms. SLAUGHTER, New York;

Mr. HASTINGS, Florida;

Mr. MCINTYRE, North Carolina.

REINING IN THE COST OF MEDICARE PRESCRIPTION DRUG ENTITLEMENT

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

Mr. FLAKE. Mr. Speaker, last week we heard projections that the prescription drug benefit is going to be far more expensive than we figured. Now, many of us never believed that it would cost just $400 million, and the fact that it is much higher than that is not surprising at all.

I would encourage the President and our leadership to work with us to be able to rein in this monster that we have created.

Over a period of 75 years, the initial estimates were that this would add $7 trillion in unfunded liabilities. I should point out that every dime to pay for this new benefit is borrowed. Therefore, every dime will be paid for by our kids and our grandkids.

It is time to get the bridle on the horse before the horse leaves the barn, and we need to work now, before this benefit starts next year, to make sure that we can reign in the costs.

Mr. Speaker, last week the White House released budget projections that show that the cost of the prescription drug benefit that Congress added to Medicare last year could balloon to $1.2 trillion over the next ten years. The initial price estimate of the new entitlement was $400 billion.

Frankly, the initial estimate of $400 billion was more than many of us could stomach, but we knew that $400 billion was a lowball estimate and the real cost was sure to be higher. Having said that, it gives none of us pleasure to say "see, we told you so. "

When President Bush first proposed the new prescription drug benefit, it was targeted and means-tested for low-income seniors who did not currently have prescription drug coverage. President Bush's plan also coupled the new benefit with some needed reforms of the Medicare program.

It should come as no surprise that by the time Congress was done with the package, it looked nothing like the President's proposal. Congress expanded coverage to all seniors and yanked the reforms that would have helped curb future costs from the bill.

What does come as a surprise is President Bush's recent threat to veto any attempt by Congress to go back and fix our mistake.

Shortly after Congress passed the new prescription drug entitlement, and the initial cost estimate was already going up, I introduced a bill that would cap the cost of the program at the initial estimate of $400 billion. If the cost overran the estimate, my bill would have required Congress to offset the difference or scale back the entitlement.

I plan to reintroduce that legislation shortly, and I urge Congress to take it up quickly. Whether or not Congress acts on this specific piece of legislation, we need to begin talking about ways to control the monster we created.

President Bush sent over a budget to Congress a couple of weeks ago that proposed cutting or killing over 150 programs. Of course, Members of Congress immediately began maneuvering to make sure that their pet projects did not get the axe. I think the President is on the right track by trying to pare back congressional spending and I will certainly be doing what I can to help him in that effort. However, the truth is that, compared to federal mandatory spending on entitlement programs like Medicare, Medicaid, and Social Security, Congress and President Bush are quibbling over pocket change.

If President Bush is serious about controlling federal spending, and I believe that he is, he ought to reconsider his threat to veto any attempt to pare back the prescription drug entitlement.

President Bush's initial prescription drug benefit was much more fiscally responsible than the proposal he signed into law. I hope that if there is an effort in Congress to make the prescription drug benefit look more like President Bush's original plan, he will embrace it rather than fight it.

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.

SMART SECURITY AND FISCAL YEAR 2006 DEFENSE BUDGET

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

Ms. WOOLSEY. Mr. Speaker, the Bush's administration national security priorities are so out of balance that it is hard to know where to begin. Between the debacle in Iraq, the failure to address America's true homeland security needs and funding for research on new nuclear weapons, there are plenty of options to choose from.

Last October during the final Presidential debate before the November election, President Bush claimed that the gravest threat America faces is the threat of nuclear attack. Unfortunately, the President has done very little to address this threat.

One of the primary nuclear threats America faces is the development of such hostile weapons by countries like Iran and North Korea. That is why we need to engage these nations in aggressive diplomacy, not aggressive saber rattling.

Earlier this week, North Korea indicated that it wishes to hold bilateral talks with the United States, presumably to receive financial assistance in exchange for dismantling its nuclear weapons program. Iran, on the other hand, feels threatened by recent whispers that the Bush administration might attempt a military assault on their nuclear weapons facilities.

We absolutely must negotiate with both countries. After using the U.S. military to take down Saddam Hussein, this President probably thinks that negotiations are beneath him; but I have got news for the Bush administration. Negotiations work and foreign assistance works. We need to start relying more on nonmilitary security tools to work out our international differences.

The other major nuclear threat comes not from foreign countries, but from terrorist organizations like al Qaeda. To address this threat, we must secure the nuclear stockpiles that are out there before they get into the hands of terrorists.

Most people agree that the best program to secure nuclear materials is the Cooperative Threat Reduction program, or CTR, which enlists the Department of Defense to dismantle nuclear warheads, reduce nuclear stockpiles, and secure nuclear weapons and materials in the states of the former Soviet Union.

CTR is crucial in keeping nuclear weapons out of the hands of terrorists. Terrorists know that it would not be difficult to steal material from poorly guarded nuclear plants in Russia. That is why it is important to increase our funding for CTR and provide funding to extend the program so that other regions of the world can be included.

Last year, the Cooperative Threat Reduction program received only $409 million from the Defense budget, and the Department of Defense did not even use all of this money. We should triple or quadruple our funds and our efforts for CTR in the fiscal year 2006 budget, and we should extend this vital program to other countries where nuclear materials are not safely guarded, countries like Iran, North Korea, Libya, and Pakistan.

Instead of continuing down our current path, Mr. Speaker, I believe we must pursue a new national, smarter security strategy that I call SMART security, which is a Sensible Multilateral American Response to Terrorism for the 21st century.

I have also introduced H. Con. Res. 35, legislation that would pursue a smarter strategy for rebuilding Iraq. Twenty-eight of my House colleagues have joined me in offering this important legislation.

The immoral and ill-conceived war in Iraq has already claimed the lives of nearly 1,500 American troops. Another 11,000 have been gravely wounded as a result of this war, and the 150,000 soldiers that remain in Iraq are sitting ducks, sitting ducks for Iraq's growing insurgency. I am sure that many of these soldiers understand what our

President does not, that the military option is not working.

Yet the President and his administration refuse to consider alternatives to the way we are handling the situation in Iraq. Think about the good that could be accomplished if even a fraction of the billions that have been spent on military operations were instead spent on nonmilitary security.

We could help secure Iraq by rebuilding schools so that their children could learn, constructing new water processing plants so that the Iraqi people could have clean water to drink, and building new roads so that citizens can travel safely from one city to another.

Our assistance should not end there. If we want to be truly smart about how we rebuild Iraq, we also need to bring nongovernmental organizations and humanitarian agencies into this country to help create a robust civil society and ensure that Iraq's economic infrastructure becomes fully viable.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–1

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

To the Congress of the United States:

The United States is enjoying a robust economic expansion because of the good policies we have put in place and the strong efforts of America's workers and entrepreneurs. Four years ago, our economy was sliding into recession: The bursting of the high-tech bubble, revelations of corporate scandals, and terrorist attacks hurt our economy, leading to falling incomes and rising unemployment.

We acted by passing tax relief so American families could keep more of their own money. At the same time, we gave businesses incentives to invest and create jobs. Last year, we gained over 2 million new jobs, and the economy's production of goods and services rose by 4.4 percent. The unemployment rate is now 5.2 percent, which is lower than the average of each of the past three decades and the lowest since the attacks of September 11, 2001. Our pro-growth policies are taking us in the right direction.

As I start my second term, we must take action to keep our economy growing. I will not be satisfied until every American who wants to work can find a job. I have laid out a comprehensive strategy to sustain growth, create jobs, and confront the challenges of a changing America.

I am committed to restraining spending by eliminating government programs that do not work and by making government provide important services more efficiently. I have pledged to cut the deficit in half by 2009, and we are on track to do so.

The greatest fiscal challenges we face arise from the aging of our society. Because Americans are having fewer children and living longer, seniors are becoming a larger proportion of the population. This change has important implications for the Social Security system, because the benefits paid to retirees come from taxes on today's workers. In 1950, there were 16 workers paying into Social Security for every person receiving benefits. Now there are just over 3, and that number will fall to 2 by the time today's young workers retire. We will not change Social Security for those now retired or nearing retirement. We need to permanently fix the Social Security system for our children and grandchildren. I will work with the Congress to fix Social Security for generations to come.

The current tax code is a drag on the economy. It discourages saving and investment, and it requires individuals and businesses to spend billions of dollars and millions of hours each year to comply with the complicated system. I will lead a bipartisan effort to reform our tax code to make it simpler, fairer, and more pro-growth.

We are working to make health care more affordable and accessible for American families. The Medicare modernization bill I signed gives seniors more choices and helps them get the benefits of modern medicine and prescription drug coverage. We have created health savings accounts, which give workers and families more control over their health care decisions. We will open or expand more community health centers for those in need. To help control health costs and make health care more accessible, we must let small businesses pool risks across states so they can get the same discounts for health insurance that big companies get. We will increase the use of health information technology that will make health care more efficient, cut down on mistakes, and control costs.

Our litigation system encourages junk lawsuits and harms our economy, and the system must be reformed. I support medical liability reform to control the cost of health care, keep good medical professionals from being driven out of practice, and ensure that patient care—not avoidance of lawsuits—is the central concern in all medical decisions. I support class action reform to eliminate the waste, inefficiency, and unfairness of the class-action system. And I support reforms to the asbestos litigation system in order to protect victims with asbestos related injuries and prevent frivolous lawsuits that harm our economy and cost jobs.

I will continue to push for energy legislation to help keep our economy strong. We must modernize our electricity system to make it more reliable. To make our energy supply more secure, we must explore for more energy in environmentally friendly ways in our own country, develop alternative sources of energy, and encourage conservation.

I will work to further simplify and streamline federal regulations that hinder growth and encumber our job creators. Our economy needs to allow entrepreneurs to spend more time doing business and less time with their lawyers and accountants.

I believe that Americans benefit from open markets and free and fair trade, and I am working to open up markets around the world and make sure that the playing field is level for our workers, farmers, manufacturers, and other job creators. In the past four years, we concluded free-trade agreements with Singapore, Chile, Australia, Morocco, Bahrain, Jordan, and six countries in Central America and the Caribbean. My Administration will continue to work to expand trade on a multilateral, regional, and bilateral basis, and to enforce our trade laws to help ensure a level playing field.

I have a plan to prepare our young people for the jobs of the 21st century. We have brought greater accountability to our public schools and are working to improve our high schools. We have made Pell grants available to one million more students, and we will work to make college more affordable by increasing the size of Pell grants for low-income students. We are reforming our workforce training programs to help Americans obtain the skills needed for the jobs that our economy is creating.

I have an ambitious agenda for the next four years. During my first term, working with the Congress, I put policies in place to ensure a rapid recovery and to support strong growth. In my second term, together we will cut the budget deficit in half, fix Social Security, reform the tax code, reduce the burden of junk lawsuits, ensure a reliable and affordable energy supply, continue to promote free and fair trade, help make health care affordable and accessible for American families, and expand the quality and availability of educational opportunities. These policies will produce an economic environment that continues to unleash the creativity and energy of the American people.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 2005.*

ORDER OF BUSINESS

Mr. CAMP. 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 Michigan?

There was no objection.

TRIBUTE TO MICHAEL F. KERGIN

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

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to the distinguished service of Ambassador Michael Kergin, a man who has done much to advance the combined interests of Canada and the United States of America.

Mr. Kergin has spent the better part of the last 4 decades in public service. His experience has served him not only well at home but also here. He has served the American people very well.

When our Nation was attacked by terrorists on September 11, 2001, I knew we had a friend in Michael Kergin and in Canada. Standing shoulder to shoulder, our two countries moved forward to battle against those who sought to disrupt the free and democratic world.

Having served as chairman of the former Select Committee on Homeland Security, Subcommittee on Infrastructure and Border Security, I have always been especially thankful that Ambassador Kergin was a constant source of goodwill and great insight as we secured our shared border while protecting our economies and the hundreds of thousands of jobs dependent on North American trade.

Together, we were able to secure a new working agreement, implement new tactics, utilize advanced technology and biometrics, and integrate border teams, all in order to strengthen border security without straining our friendship. The delicacy of such strategic initiatives and the relative ease with which they were accomplished is a testament to the skills Ambassador Kergin has always employed to ensure our historic friendship with our northern border remains sound.

As I am sure his services will be missed in Canada, on a personal note, they will also be missed in America.

PUBLICATION OF THE RULES OF THE COMMITTEE ON AGRICULTURE, 109TH CONGRESS

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

Mr. GOODLATTE. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to Rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the Committee on this date, February 16, 2005.

Appendix A of the Committee Rules will include excerpts from the Rules of the House relevent to the operation of the Committee. Appendix B will include relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submisson.

RULES OF THE COMMITTEE ON AGRICULTURE, 109TH CONGRESS

RULE I.—GENERAL PROVISIONS

(a) *Applicability of House Rules*.—(1) The Rules of the House of Representatives shall govern the procedure of the committee and its subcommittees, and the Rules of the Committee on Agriculture so far as applicable shall be interpreted in accordance with the Rules of the House of Representatives, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the committee and its subcommittees. (See appendix A for the applicable Rules of the House of Representatives.)

(2) As provided in clause 1(a)(2) of House rule XI, each subcommittee is part of the committee and is subject to the authority and direction of the committee and its rules so far as applicable. (See also committee rules III, IV, V, VI, VII and X, *infra*.)

(b) *Authority to Conduct Investigations*.—The committee and its subcommittees, after consultation with the chairman of the committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under rule X of the Rules of the House of Representatives and in accordance with clause 2(m) of House rule XI.

(c) *Authority to Print*.—The committee is authorized by the Rules of the House of Representatives to have printed and bound testimony and other data presented at hearings held by the committee and its subcommittees. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee and its subcommittees shall be paid from applicable accounts of the House described in clause (i)(1) of House rule X in accordance with clause 1(c) of House rule XI. (See also paragraphs (d), (e) and (f) of committee rule VIII.)

(d) *Vice Chairman*.—The member of the majority party on the committee or subcommittee designated by the chairman of the full committee shall be the vice chairman of the committee or subcommittee in accordance with clause 2(d) of House rule XI.

(e) *Presiding Member*.—If the chairman of the committee or subcommittee is not present at any committee or subcommittee meeting or hearing, the vice chairman shall preside. If the chairman and vice chairman of the committee or subcommittee are not present at a committee or subcommittee meeting or hearing the ranking member of the majority party who is present shall preside in accordance with clause 2(d), House rule XI.

(f) *Activities Report*.—(1) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under rules X and XI of the Rules of the House of Representatives during the Congress ending on January 3 of such year. (See also committee rule VIII(h)(2).)

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee pursuant to clause 2(d) of House rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the committee, and any recommendations made or actions taken with respect thereto.

(g) *Publication of Rules*.—The committee's rules shall be published in the CONGRESSIONAL RECORD not later than 30 days after the committee is elected in each odd-numbered year as provided in clause 2(a) of House rule XI.

(h) *Joint Committee Reports of Investigation or Study*.—A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

RULE II.—COMMITTEE BUSINESS MEETINGS—REGULAR, ADDITIONAL AND SPECIAL

(a) *Regular Meetings*.—(1) Regular meetings of the committee, in accordance with clause 2(b) of House rule XI, shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the chairman shall determine the regular meeting day of the committee, if any, for that month. The chairman shall provide each member of the committee, as far in advance of the day of the regular meeting as practicable, a written agenda of such meeting. Items may be placed on the agenda by the chairman or a majority of the committee. If the chairman believes that there will not be any bill, resolution or other matter considered before the full committee and there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the chairman, there may be matters which require the committee's consideration. This paragraph shall not apply to meetings of any subcommittee. (See paragraph (f) of committee rule X for provisions that apply to meetings of subcommittees.)

(b) *Additional Meetings*.—The chairman may call and convene, as he or she considers necessary, after consultation with the ranking minority member of the committee, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such additional meetings pursuant to a notice from the chairman.

(c) *Special Meetings*.—If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the majority staff director (serving as the clerk of the committee for such purpose) shall notify the chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting in accordance with clause 2(c)(2) of House rule XI. The committee shall meet on that

date and hour. Immediately upon the filing of the notice, the majority staff director (serving as the clerk) of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

RULE III.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) *Open Meetings and Hearings*.—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the committee or a subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House rule XI. (See appendix A.)

(b) *Broadcasting and Photography*.—Whenever a committee or subcommittee 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. (See appendix A.) When such radio coverage is conducted in the committee or subcommittee, written notice to that effect shall be placed on the desk of each member. The chairman of the committee or subcommittee, shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(c) *Closed Meetings—Attendees*.—No person other than members of the committee or subcommittee and such congressional staff and departmental representatives as the committee or subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House rule XI.

(d) *Addressing the Committee*.—A committee member may address the committee or a subcommittee on any bill, motion, or other matter under consideration. (See committee rule VII (e) relating to questioning a witness at a hearing.) The time a Member may address the committee or subcommittee for any such purpose shall be limited to 5 minutes, except that this time limit may be waived by unanimous consent. A Member shall also be limited in his or her remarks to the subject matter under consideration, unless the Member receives unanimous consent to extend his or her remarks beyond such subject.

(e) *Meetings to Begin Promptly*.—Subject to the presence of a quorum, each meeting or hearing of the committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) *Prohibition on Proxy Voting*.—No vote by any member of the committee or subcommittee with respect to any measure or matter may be cast by proxy.

(g) *Location of Persons at Meetings*.—No person other than the committee or subcommittee members and committee or subcommittee staff may be seated in the rostrum area during a meeting of the committee or subcommittee unless by unanimous consent of committee or subcommittee.

(h) *Consideration of Amendments and Motions*.—A Member, upon request, shall be recognized by the chairman to address the committee or subcommittee at a meeting for a period limited to 5 minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment or motion made in committee or subcommittee shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be pending before the committee or subcommittee or voted on until the requirements of this paragraph have been met.

(i) *Demanding Record Vote*.—

(1) A record vote of the committee or subcommittee on a question or action shall be ordered on a demand by one-fifth of the Members present.

(2) The chairman of the committee or subcommittee may postpone further proceedings when a recorded vote is ordered on the question of approving a measure or matter or adopting an amendment. If the chairman postpones further proceedings:

(A) the chairman may resume such postponed proceedings, after giving Members adequate notice, at a time chosen in consultation with the ranking minority member and

(B) notwithstanding any intervening order for the previous question, the underlying proposition on which proceedings were postponed shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(j) *Submission of Motions or Amendments In Advance of Business Meetings*.—The committee and subcommittee chairman may request and committee and subcommittee members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the chairman and the ranking minority member of the committee or the subcommittee 24 hours before a committee or subcommittee business meeting.

(k) *Points of Order*.—No point of order against the hearing or meeting procedures of the committee or subcommittee shall be entertained unless it is made in a timely fashion.

(l) *Limitation on Committee Sittings*.—The committee or subcommittees 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.

(m) *Prohibition of Wireless Telephones*.—Use of wireless telephones during a committee or subcommittee hearing or meeting is prohibited.

RULE IV.—QUORUMS

(a) *Working Quorum*.—One-third of the members of the committee or a subcommittee shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) *Majority Quorum*.—A majority of the members of the committee or subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution or other measure. (See clause 2(h)(1) of House rule XI, and committee rule VIII);

(2) the closing of a meeting or hearing to the public pursuant to clauses 2(g) and 2(k)(5) of rule XI of the Rules of the House of Representatives; and

(3) the authorizing of a subpoena as provided in clause 2(m)(3), of House rule XI. (See also committee rule VI.)

(c) *Quorum for Taking Testimony*.—Two members of the committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V.—RECORDS

(a) *Maintenance of Records*.—The committee shall keep a complete record of all committee and subcommittee action which shall include:

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) written minutes shall include a record of all committee and subcommittee action and a record of all votes on any question and a tally on all record votes.

The result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee and by telephone request. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(b) *Access to and Correction of Records*.—Any public witness, or person authorized by such witness, during committee office hours in the committee offices and within 2 weeks of the close of hearings, may obtain a transcript copy of that public witness's testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt return of such corrected copy of the transcript to the committee. Members of the committee or subcommittee shall receive copies of transcripts for their prompt review and correction and prompt return to the committee. The committee or subcommittee may order the printing of a hearing record without the corrections of any Member or witness if it determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed 10 calendar days after the last oral testimony, unless the committee or subcommittee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed unless the committee or subcommittee determines otherwise. The committee or subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) *Property of the House*.—All committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Members serving as chairman and such records shall be the property of the House and all Members of the House shall have access thereto. The majority staff director shall promptly notify the chairman and the ranking minority member of any request for access to such records.

(d) *Availability of Archived Records*.—The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule VII. The chairman shall notify the ranking minority member of the committee of the need for a committee order pursuant to clause 3(b)(3) or clause 4(b) of such House rule, to withhold a record otherwise available.

(e) *Special Rules for Certain Records and Proceedings*.—A stenographic record of a business meeting of the committee or subcommittee shall be kept and thereafter may be published if the chairman of the committee, after consultation with the ranking minority member, determines there is need for such a record. The proceedings of the committee or subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the committee or subcommittee.

(f) *Electronic Availability of Committee Publications*.—To the maximum extent feasible, the committee shall make its publications available in electronic form.

RULE VI.—POWER TO SIT AND ACT; SUBPOENA POWER.

(a) *Authority to Sit and Act*.—For the purpose of carrying out any of its function and duties under House rules X and XI, the committee and each of its subcommittees is authorized (subject to paragraph (b)(1) of this rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents, as it deems necessary. The chairman of the committee or subcommittee, or any Member designated by the chairman, may administer oaths to any witness.

(b) *Issuance of Subpoenas*.—(1) A subpoena may be authorized and issued by the committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, as provided in clause 2(m)(3)(A) of House rule XI. Such authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee. As soon as practicable after a subpoena is issued under this rule, the chairman shall notify all members of the committee of such action.

(2) Notice of a meeting to consider a motion to authorize and issue a subpoena should be given to all members of the committee by 5 p.m. of the day preceding such meeting.

(3) Compliance with any subpoena issued by the committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(4) A subpoena duces tecum may specify terms of return other than at meeting or hearing of the committee or subcommittee authorizing the subpoena.

(c) *Expenses of Subpoenaed Witnesses*.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the committee or any subcommittee, may report to the offices of the committee, and there sign appropriate vouchers for travel allowances and attendance fees to which he or she is entitled. If hearings are held in cities other than Washington, DC, the subpoenaed witness may contact the majority staff director of the committee, or his or her representative, before leaving the hearing room.

RULE VII.—HEARING PROCEDURES.

(a) *Power to Hear*.—For the purpose of carrying out any of its functions and duties under House rule X and XI, the committee and its subcommittees are authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. (See paragraph (a) of committee rule VI and paragraph (f) of committee rule X for provisions relating to subcommittee hearings and meetings.)

(b) *Announcement*.—The chairman of the committee shall after consultation with the ranking minority member of the committee, make a public announcement of the date, place and subject matter of any committee hearing at least 1 week before the commencement of the hearing. The chairman of a subcommittee shall schedule a hearing only after consultation with the chairman of the committee and after consultation with the ranking minority member of the subcommittee, and the chairmen of the other subcommittees after such consultation with the committee chairman, and shall request the majority staff director to make a public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the chairman of the committee or the subcommittee, with concurrence of the ranking minority member of the committee or subcommittee, determines there is good cause to begin the hearing sooner, or if the committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the chairman of the committee or subcommittee, as appropriate, shall request the majority staff director to make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest clerk of the CONGRESSIONAL RECORD, and shall promptly enter the appropriate information into the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(c) *Scheduling of Witnesses*.—Except as otherwise provided in this rule, the scheduling of witnesses and determination of the time allowed for the presentation of testimony at hearings shall be at the discretion of the chairman of the committee or subcommittee, unless a majority of the committee or subcommittee determines otherwise.

(d) *Written Statement; Oral Testimony*.—(1) Each witness who is to appear before the committee or a subcommittee, shall insofar as practicable file with the majority staff director of the committee, at least 2 working days before day of his or her appearance, a written statement of proposed testimony. Witnesses shall provide sufficient copies of their statement for distribution to committee or subcommittee members, staff, and the news media. Insofar as practicable, the committee or subcommittee staff shall distribute such written statements to all members of the committee or subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the chairman of the committee or subcommittee, in light of the nature of the testimony and the length of time available.

(2) As noted in paragraph (a) of committee rule VI, the chairman of the committee or one of its subcommittees, or any Member designated by the chairman, may administer an oath to any witness.

(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(e) *Questioning of Witnesses*.—Committee or subcommittee members may question witnesses only when they have been recognized by the chairman of the committee or subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness for five minutes until such time as each Member of the committee or subcommittee who so desires has had an opportunity to question the witness for 5 minutes; and thereafter the chairman of the committee or subcommittee may limit the time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the committee or subcommittee determines otherwise, no committee or subcommittee staff shall interrogate witnesses.

(f) *Extended Questioning for Designated Members*.—Notwithstanding paragraph (e), the chairman and ranking minority member may designate an equal number of members from each party to question a witness for a period not longer than 60 minutes.

(g) *Witnesses for the Minority*.—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 such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon as provided in clause 2(j)(1) of House rule XI.

(h) *Summary of Subject Matter*.—Upon announcement of a hearing, to the extent practicable, the committee shall make available immediately to all members of the committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the chairman of the committee or subcommittee shall, to the extent practicable, make available to the members of the committee any official reports from departments and agencies on such matter. (See committee rule X(f).)

(i) *Open Hearings*.—Each hearing conducted by the committee or subcommittee shall be open to the public, including radio, television and still photography coverage, except as provided in clause 4 of House rule XI (see also committee rule III (b).). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular bill or resolution or on a particular subject of investigation, to close its hearings to Members by means of the above procedure.

(j) *Hearings and Reports*.—(1)(i) The chairman of the committee or subcommittee at a hearing shall announce in an opening statement the subject of the investigation. A copy of the committee rules (and the applicable provisions of clause 2 of House rule XI, regarding hearing procedures, an excerpt of which appears in appendix A thereto) shall be made available to each witness upon request. Witnesses at hearings may be accompanied by their own counsel for the purpose

of advising them concerning their constitutional rights. The chairman of the committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full committee may cite the offender to the House for contempt.

(ii) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (j) of this rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. The committee or subcommittee shall afford a person an opportunity voluntarily to appear as a witness; and the committee or subcommittee shall receive and shall dispose of requests from such person to subpoena additional witnesses.

(iii) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee or subcommittee. In the discretion of the committee or subcommittee, witnesses may submit brief and pertinent statements in writing for inclusion in the record. The committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the committee or subcommittee. (See paragraph (c) of committee rule V.)

(2) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day) in advance of their consideration.

RULE VIII.—THE REPORTING OF BILLS AND RESOLUTIONS

(a) *Filing of Reports.*—The chairman shall report or cause to be reported promptly to the House any bill, resolution, or other measure approved by the committee and shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the committee unless a majority of committee is actually present. A committee report on any bill, resolution, or other measure approved by the committee shall be filed within 7 calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the majority staff director of the committee a written request, signed by a majority of the committee, for the reporting of that bill or resolution. The majority staff director of the committee shall notify the chairman immediately when such a request is filed.

(b) *Content of Reports.*—Each committee report on any bill or resolution approved by the committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) a statement of committee and subcommittee consideration of the measure including a summary of amendments and motions offered and the actions taken thereon;

(4) the results of each record vote on any amendment in the committee and subcommittee and on the motion to report the measure or matter, including the names of those Members and the total voting for and the names of those Members and the total voting against such amendment or motion (See clause 3(b) of House rule XIII);

(5) the oversight findings and recommendations of the committee with respect to the subject matter of the bill or resolution as required pursuant to clause 3(c)(1) of House rule XIII and clause 2(b)(1) of House rule X;

(6) the detailed statement described in section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(7) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 402 of the Congressional Budget Act of 1974 if submitted in timely fashion to the committee;

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding;

(9) a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution;

(10) an estimate by the committee of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the 5 fiscal years following the fiscal year of reporting, whichever period is less (see Rule XIII, clause 3(d)(2), (3) and (h)(2), (3)), together with—(i) a comparison of these estimates with those made and submitted to the committee by any Government agency when practicable, and (ii) a comparison of the total estimated funding level for the relevant program (or programs) with appropriate levels under current law (The provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(11) the changes in existing law (if any) shown in accordance with clause 3 of House rule XIII;

(12) the determination required pursuant to section 5(b) of Public Law 92–463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(13) the information on Federal and intergovernmental mandates required by section 423(c) and (d) of the Congressional Budget Act of 1974, as added by the Unfunded Mandates Reform Act of 1995 (P.L. 104–4).

(14) a statement regarding the applicability of section 102(b)(3) of the Congressional Accountability Act, Public Law 104–1.

(c) *Supplemental, Minority, or Additional Views.*—If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 2 subsequent calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such date) in which to file such views, in writing and signed by that Member, with the majority staff director of the committee. When time guaranteed by this paragraph has expired (or if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk of the House not later than 1 hour after the expiration of such time. All such views (in accordance with House rule XI, clause 2(1) and House rule XIII, clause 3(a)(1)), as filed by one or more members of the committee, shall be included within and made a part of the report filed by the committee with respect to that bill or resolution.

(d) *Printing of Reports.*—The report of the committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under House rule XII, clause 3(a)(1)) are included as part of the report.

(e) *Immediate Printing; Supplemental Reports.*—Nothing in this rule shall preclude—

(1) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c), or (2) the filing by the committee 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.

(f) *Availability of Printed Hearing Records.*—If hearings have been held on any reported bill or resolution, the committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the committee or any of its subcommittees shall include a record of the attendance of the Members.

(g) *Committee Prints.*—All committee or subcommittee prints or other committee or subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the chairman of the committee or the committee prior to public distribution.

(h) *Post Adjournment Filing of Committee Reports.*—(1) After an adjournment of the last regular session of a Congress *sine die*, an investigative or oversight report approved by the committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 7 calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of a Congress *sine die*, the chairman of the committee may file at any time with the Clerk the committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House of Representatives without the approval of the committee, provided that a copy of the report has been available to each member of

the committee for at least 7 calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

(i) The chairman is directed 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 IX.—OTHER COMMITTEE ACTIVITIES

(a) *Oversight Plan.*—Not later than February 15 of the first session of a Congress, the chairman shall convene the committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing such plans the committee shall, to the maximum extent feasible—

(1) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(2) review specific problems with Federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose sever financial burdens on individuals; and

(3) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

(4) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every 10 years.

The committee and its appropriate subcommittees shall review and study, on a continuing basis, the impact or probable impact of tax policies affecting subjects within its jurisdiction as provided in clause 2(d) of House rule X. The committee shall include in the report filed pursuant to clause 1(d) of House rule XI a summary of the oversight plans submitted by the committee under clause 2(d) of House rule X, a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the committee and any recommendations made or actions taken thereon.

(b) *Annual Appropriations.*—The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) *Budget Act Compliance: Views and Estimates* (See appendix B).—Not later than 6 weeks after the President submits his budget under section 1105(a) of title 31, United States Code, or at such time as the Committee on Budget may request, the committee shall submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974—see appendix B) that are within its jurisdiction or functions; and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) *Budget Act Compliance: Recommended Changes.*—Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974 (See appendix B).

(e) *Conference Committees.*—Whenever in the legislative process it becomes necessary to appoint conferees, the chairman shall, after consultation with the ranking minority member, determine the number of conferees the chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be appointed by the Speaker as provided in clause House rule I, clause 11, the names of those members of the committee of not less than a majority who generally supported the House position and who were primarily responsible for the legislation. The chairman shall, to the fullest extent feasible, include those members of the committee who were the principal proponents of the major provisions of the bill as it passed the House and such other committee members of the majority party as the chairman may designate in consultation with the members of the majority party. Such recommendations shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority party members to minority party members on the committee. In making recommendations of minority party members as conferees, the chairman shall consult with the ranking minority member of the Committee.

RULE X.—SUBCOMMITTEES

(a) *Number and Composition.*—There shall be such subcommittees as specified in paragraph (c) of this rule. Each of such subcommittees shall be composed of the number of members set forth in paragraph (c) of this rule, including *ex officio* members. The chairman may create additional subcommittees of an *ad hoc* nature as the chairman determines to be appropriate subject to any limitations provided for in the House rules.

(b) *Ratios.*—On each subcommittee, there shall be a ratio of majority party members to minority party members which shall be consistent with the ratio on the full committee. In calculating the ratio of majority party members to minority party members, there shall be included the *ex officio* members of the subcommittees and ratios below reflect that fact.

(c) *Jurisdiction.*—Each subcommittee shall have the following general jurisdiction and number of members:

Department Operations, Oversight, Dairy, Nutrition, and Forestry (15 members, 8 majority and 7 minority).—Agency oversight, review and analysis, special investigations, food stamps, nutrition and consumer programs, forestry in general, forest reserves other than those created from the public domain, energy and biobased energy production; and dairy.

Livestock and Horticulture (24 members, 13 majority, 11 minority).—Livestock, poultry, meat, seafood and seafood products, inspection, marketing and promotion of such commodities, aquaculture, animal welfare, grazing, fruits and vegetables, and marketing orders.

General Farm Commodities and Risk Management (30 members, 16 majority, 14 minority).—Program and markets related to cotton, cotton seed, wheat, feed grains, soybeans, oilseeds, rice, dry beans, peas, lentils, the Commodity Credit Corporation, crop insurance, and commodity exchanges.

Specialty Crops and Foreign Agriculture Programs (17 members, 9 majority and 8 minority).—Peanuts, sugar, tobacco, honey and bees, marketing orders related to such commodities, foreign agricultural assistance, and trade promotion programs, generally.

Conservation, Credit, Rural Development, and Research (19 members, 10 majority and 9 minority).—Soil, water, and resource conservation, small watershed program, agricultural credit, rural development, rural electrification, farm security and family farming matters, agricultural research, education, and extension services; plant pesticides, quarantine, adulteration of seeds, and insect pests; biotechnology.

(d) Referral of Legislation.—

(1)*(a) In general.*—All bills, resolutions, and other matters referred to the committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after being referred to the committee. After consultation with the ranking minority member, the chairman may determine that the committee will consider certain bills, resolutions, or other matters.

(b) Trade Matters.—Unless action is otherwise taken under subparagraph (3), bills, resolutions, and other matters referred to the committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the committee.

(2) The chairman, by a majority vote of the committee, may discharge a subcommittee from further consideration of any bill, resolution, or other matter referred to the subcommittee and have such bill, resolution or other matter considered by the committee. The committee having referred a bill, resolution, or other matter to a subcommittee in accordance with this rule may discharge such subcommittee from further consideration thereof at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(3) Unless the committee, a quorum being present, decides otherwise by a majority vote, the chairman may refer bills, resolutions, legislation or other matters not specifically within the jurisdiction of a subcommittee, or that is within the jurisdiction of more than one subcommittee, jointly or exclusively as the chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), divided by subject matter among the subcommittees with jurisdiction, or to an *ad hoc* subcommittee appointed by the chairman for the purpose of considering the matter and reporting to the committee thereon, or make such other provisions deemed appropriate.

(e) *Participation and Service of Committee Members on Subcommittees.*—(1) The chairman

and the ranking minority member shall serve as *ex officio* members of all subcommittees and shall have the right to vote on all matters before the subcommittees. The chairman and the ranking minority member may not be counted for the purpose of establishing a quorum.

(2) Any member of the committee who is not a member of the subcommittee may have the privilege of sitting and nonparticipatory attendance at subcommittee hearings or meetings in accordance with clause 2(g)(2) of House rule XI. Such member may not:

(i) vote on any matter;

(ii) be counted for the purpose of a establishing a quorum;

(iii) participate in questioning a witness under the 5–minute rule, unless permitted to do so by the subcommittee chairman in consultation with the ranking minority member or a majority of the subcommittee, a quorum being present;

(iv) raise points of order; or

(v) offer amendments or motions.

(f) *Subcommittee Hearings and Meetings.*—(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and make recommendations to the committee on all matters referred to it or under its jurisdiction after consultation by the subcommittee chairmen with the committee chairman. (See committee rule VII.)

(2) After consultation with the committee chairman, subcommittee chairmen shall set dates for hearings and meetings of their subcommittees and shall request the majority staff director to make any announcement relating thereto. (See committee rule VII(b).) In setting the dates, the committee chairman and subcommittee chairman shall consult with other subcommittee chairmen and relevant committee and subcommittee ranking minority members in an effort to avoid simultaneously scheduling committee and subcommittee meetings or hearings to the extent practicable.

(3) Notice of all subcommittee meetings shall be provided to the chairman and the ranking minority member of the committee by the majority staff director.

(4) Subcommittees may hold meetings or hearings outside of the House if the chairman of the committee and other subcommittee chairmen and the ranking minority member of the subcommittee is consulted in advance to ensure that there is no scheduling problem. However, the majority of the committee may authorize such meeting or hearing.

(5) The provisions regarding notice and the agenda of committee meetings under committee rule II(a) and special or additional meetings under committee rule II(b) shall apply to subcommittee meetings.

(6) If a vacancy occurs in a subcommittee chairmanship, the chairman may set the dates for hearings and meetings of the subcommittee during the period of vacancy. The chairman may also appoint an acting subcommittee chairman until the vacancy is filled.

(g) *Subcommittee Action.*—(1) Any bill, resolution, recommendation, or other matter forwarded to the committee by a subcommittee shall be promptly forwarded by the subcommittee chairman or any subcommittee member authorized to do so by the subcommittee.

(2) Upon receipt of such recommendation, the majority staff director of the committee shall promptly advise all members of the committee of the subcommittee action.

(3) The committee shall not consider any matters recommended by subcommittees until 2 calendar days have elapsed from the date of action, unless the chairman or a majority of the committee determines otherwise.

(h) *Subcommittee Investigations.*—No investigation shall be initiated by a subcommittee without the prior consultation with the chairman of the committee or a majority of the committee.

RULE XI.—COMMITTEE BUDGET, STAFF, AND TRAVEL

(a) *Committee Budget.*—The chairman, in consultation with the majority members of the committee, and the minority members of the committee, shall prepare a preliminary budget for each session of the Congress. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the committee and subcommittees. After consultation with the ranking minority member, the chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the chairman shall combine such proposals into a consolidated committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

(b) *Committee Staff.*—(1) The chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the committee not assigned to the minority. The professional and clerical 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 such staff members and delegate such authority as he or she determines appropriate. (See House rule X, clause 9)

(2) The ranking minority member of the committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the committee who may delegate such authority as he or she determines appropriate.

(3) From the funds made available for the appointment of committee staff pursuant to any primary or additional expense resolution, the chairman shall ensure that each subcommittee is adequately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff (See House rule X, clause 6(d)).

(c) *Committee Travel.*—(1) 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 regarding domestic and foreign travel (See House rule XI, clause 2(n) and House rule X, clause 8 (reprinted in appendix A)). Official travel 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 committee Member and any committee staff member in connection with the attendance of hearings conducted by the committee and its subcommittees 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:

(i) The purpose of the official travel;

(ii) 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;

(iii) The location of the event for which the official travel is to be made; and

(iv) The names of members and committee staff seeking authorization.

(2) 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 to be paid for out of funds allocated to the committee, 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 in clause (1).

(3) Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the 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.

(4) Local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies;

(i) No Member or employee of the committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(ii) Each Member or employee of the committee shall make an itemized report to the chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

RULE XII.—AMENDMENT OF RULES

These rules may be amended by a majority vote of the committee. A proposed change in these rules shall not be considered by the committee as provided in clause 2 of House rule XI, unless written notice of the proposed change has been provided to each committee Member 2 legislative days in advance of the date on which the matter is to be considered. Any such change in the rules of the committee shall be published in the CONGRESSIONAL RECORD within 30 calendar days after its approval.

PUBLICATION OF THE RULES OF THE COMMITTEE ON FINANCIAL SERVICES, 109TH CONGRESS

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

Mr. OXLEY. Mr. Speaker, in accordance with clause 2(a)(2) of rule XI of the Rules of the House of Representatives, I am reporting that the Committee on Financial Services adopted the following rules for the 109th Congress on February 2, 2005 in open session, a quorum being present, and submit those rules for publication in the CONGRESSIONAL RECORD:

RULES OF THE COMMITTEE ON FINANCIAL SERVICES

U.S. House of Representatives, 109th Congress, First Session

RULE 1: GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee on Financial Services (hereinafter in these rules referred to as the ''Committee'') and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and shall be considered without debate. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2: MEETINGS

Calling of Meetings

(a)(1) The Committee shall regularly meet on the first Tuesday of each month when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the ''Chair''), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair, in accordance with clause 2(g)(3) of rule XI of the rules of the House.

(4) Special meetings shall be called and convened by the Chair as provided in clause 2(c)(2) of rule XI of the Rules of the House.

Notice for Meetings

(b)(1) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least two calendar days before the time of the meeting.

(2) The Chair shall provide to each member of the Committee, at least two calendar days before the time of each regular meeting for each measure or matter on the agenda a copy of—

(A) the measure or materials relating to the matter in question; and

(B) an explanation of the measure or matter to be considered, which, in the case of an explanation of a bill, resolution, or similar measure, shall include a summary of the major provisions of the legislation, an explanation of the relationship of the measure to present law, and a summary of the need for the legislation.

(3) The agenda and materials required under this subsection shall be provided to each member of the Committee at least three calendar days before the time of the meeting where the measure or matter to be considered was not approved for full Committee consideration by a subcommittee of jurisdiction.

(4) The provisions of this subsection may be waived by a two-thirds vote of the Committee, or by the Chair with the concurrence of the ranking minority member.

RULE 3: MEETING AND HEARING PROCEDURES

In General

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television broadcast, radio broadcast, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules). Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

(4) Opening statements by members at the beginning of any hearing or meeting of the Committee shall be limited to 5 minutes each for the Chair or ranking minority member, or their respective designee, and 3 minutes each for all other members.

(5) No person, other than a Member of Congress, Committee staff, or an employee of a Member when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee rooms unless the Chair determines otherwise.

Quorum

(b)(1) For the purpose of taking testimony and receiving evidence, two members of the Committee shall constitute a quorum.

(2) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the rules of the House (except as provided in clause 2(g)(2)(A) and (B)) or of releasing executive session material pursuant to clause 2(k)(7) of rule XI of the rules of the House.

(3) For the purpose of taking any action other than those specified in paragraph (2) one-third of the members of the Committee shall constitute a quorum.

Voting

(c)(1) No vote may be conducted on any measure or matter pending before the Committee unless the requisite number of members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of one-fifth of the members present.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) In accordance with clause 2(e)(1)(B) of rule XI, a record of the vote of each member of the Committee on each record vote on any measure or matter before the Committee shall be available for public inspection at the offices of the Committee, and, with respect to any record vote on any motion to report or on any amendment, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

(5) Postponed record votes.—(A) Subject to subparagraph (B), 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, but no later than the next meeting day.

(B) In exercising postponement authority under subparagraph (A), the Chairman shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote;

(C) 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.

Hearing Procedures

(d)(1)(A) The Chair shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing, unless the Chair, with the concurrence of the ranking minority member, or the Committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chair shall make the announcement at the earliest possible date.

(B) Not less than three days before the commencement of a hearing announced under this paragraph, the Chair shall provide to the members of the Committee a concise summary of the subject of the hearing, or, in the case of a hearing on a measure or matter, a copy of the measure or materials relating to the matter in question and a concise explanation of the measure or matter to be considered. (2) To the greatest extent practicable—

(A) each witness who is to appear before the Committee shall file with the Committee two business days in advance of the appearance sufficient copies (including a copy in electronic form), as determined by the Chair, of a written statement of proposed testimony and shall limit the oral presentation to the Committee to brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(3) The requirements of paragraph (2)(A) may be modified or waived by the Chair when the Chair determines it to be in the best interest of the Committee.

(4) The five-minute rule shall be observed in the interrogation of witnesses before the Committee until each member of the Committee has had an opportunity to question the witnesses. No member shall be recognized for a second period of 5 minutes to interrogate witnesses until each member of the Committee present has been recognized once for that purpose.

(5) Whenever any hearing is conducted by the Committee on any measure or matter, the minority party members of the Committee shall be entitled, upon the request of a majority of them before the completion of the hearing, to call witnesses with respect to

that measure or matter during at least one day of hearing thereon.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, or pursuant to paragraph (2).

(2) The Chair, with the concurrence of the ranking minority member, may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chair, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chair shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable, but in no event later than one week after service of such subpoena.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

Special Procedures

(f)(1)(A) Commemorative medals and coins.—It shall not be in order for the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology to hold a hearing on any commemorative medal or commemorative coin legislation unless the legislation is cosponsored by at least two-thirds of the members of the House.

(B) It shall not be in order for the subcommittee to approve a bill or measure authorizing commemorative coins for consideration by the full Committee which does not conform with the mintage restrictions established by section 5112 of title 31, United States Code.

(C) In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards—

(i) the recipient shall be a natural person;

(ii) the recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(iii) the recipient shall not have received a medal previously for the same or substantially the same achievement;

(iv) the recipient shall be living or, if deceased, shall have been deceased for not less than 5 years and not more than 25 years;

(v) the achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by others in the same field, as evidenced by the recipient having received the highest honors in the field.

(2) Testimony of certain officials.—

(A) Notwithstanding subsection (a)(4), when the Chair announces a hearing of the Committee for the purpose of receiving—

(i) testimony from the Chairman of the Federal Reserve Board pursuant to section 2B of the Federal Reserve Act (12 U.S.C. 221 et seq.), or

(ii) testimony from the Chairman of the Federal Reserve Board or a member of the President's cabinet at the invitation of the Chair, the Chair may, in consultation with the ranking minority member, limit the number and duration of opening statements to be delivered at such hearing. The limitation shall be included in the announcement made pursuant to subsection (d)(1)(A), and shall provide that the opening statements of all members of the Committee shall be made a part of the hearing record.

RULE 4: PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a) No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present.

(b) The Chair of the Committee shall report or cause to be reported promptly to the House any measure approved by the Committee and take necessary steps to bring a matter to a vote.

(c) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure pursuant to the provisions of clause 2(b)(2) of rule XIII of the Rules of the House.

(d) All reports printed by the Committee pursuant to a legislative study or investigation and not approved by a majority vote of the Committee shall contain the following disclaimer on the cover of such report: ''This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members.''

(e) The Chair is directed to offer a motion under clause 1 of rule XXII of the House whenever the Chair considers it appropriate.

RULE 5: SUBCOMMITTEES

Establishment and Responsibilities of Subcommittees

(a)(1) There shall be 5 subcommittees of the Committee as follows:

(A) Subcommittee on capital markets, insurance, and government sponsored enterprises.—The jurisdiction of the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises includes—

(i) securities, exchanges, and finance;

(ii) capital markets activities;

(iii) activities involving futures, forwards, options, and other types of derivative instruments;

(iv) secondary market organizations for home mortgages including the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation;

(v) the Office of Federal Housing Enterprise Oversight;

(vi) the Federal Home Loan Banks; and

(vii) insurance generally.

(B) Subcommittee on domestic and international monetary policy, trade, and technology.—The jurisdiction of the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology includes—

(i) financial aid to all sectors and elements within the economy;

(ii) economic growth and stabilization;

(iii) defense production matters as contained in the Defense Production Act of 1950, as amended;

(iv) domestic monetary policy, and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic financial institutions;

(v) coins, coinage, currency, and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including the coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations of the Bureau of the Mint and the Bureau of Engraving and Printing;

(vi) development of new or alternative forms of currency;

(vii) multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(viii) international trade, including but not limited to the activities of the Export-Import Bank;

(ix) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto; and

(x) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

(C) Subcommittee on financial institutions and consumer credit.—The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit includes—

(i) all agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, the Office of Thrift Supervision, and the National Credit Union Administration, which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) the chartering, branching, merger, acquisition, consolidation, or conversion of financial institutions;

(iii) consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers;

(iv) creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards, and the preemption of State usury laws;

(v) consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(vi) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(vii) deposit insurance; and

(viii) consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts.

(D) Subcommittee on housing and community opportunity.—The jurisdiction of the Subcommittee on Housing and Community Opportunity includes—

(i) housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; private mortgage insurance; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant relations); and real estate lending including regulation of settlement procedures;

(ii) community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales;

(iii) government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards; and

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

(E) Subcommittee on oversight and investigations.—The jurisdiction of the Subcommittee on Oversight and Investigations includes—

(i) the oversight of all agencies, departments, programs, and matters within the jurisdiction of the Committee, including the development of recommendations with regard to the necessity or desirability of enacting, changing, or repealing any legislation within the jurisdiction of the Committee, and for conducting investigations within such jurisdiction; and

(ii) research and analysis regarding matters within the jurisdiction of the Committee, including the impact or probable impact of tax policies affecting matters within the jurisdiction of the Committee.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of Measures and Matters to Subcommittees

(b)(1) The Chair shall regularly refer to one or more subcommittees such measures and matters as the Chair deems appropriate given its jurisdiction and responsibilities. In making such a referral, the Chair may designate a subcommittee of primary jurisdiction and subcommittees of additional or sequential jurisdiction.

(2) All other measures or matters shall be subject to consideration by the full Committee.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(c)(1) Members shall be elected to each subcommittee and to the positions of chair and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the Committee shall designate a member of the majority party on each subcommittee as its vice chair.

(2) The Chair and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

(3) The subcommittees shall be comprised as follows:

(A) The Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises shall be comprised of 49 members, 26 elected by the majority caucus and 23 elected by the minority caucus.

(B) The Subcommittee on Domestic and International Monetary Policy, Trade, and Technology shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(C) The Subcommittee on Financial Institutions and Commercial Credit shall be comprised of 47 members, 25 elected by the majority caucus and 22 elected by the minority caucus.

(D) The Subcommittee on Housing and Community Opportunity shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(E) The Subcommittee on Oversight and Investigations shall be comprised of 20 members, 11 elected by the majority caucus and 9 elected by the minority caucus.

Subcommittee Meetings and Hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it, consistent with subsection (a).

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(3) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the Chair with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

Effect of a Vacancy

(e) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee as long as the required quorum is present.

Records

(f) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6: STAFF

In General

(a)(1) Except as provided in paragraph (2), the professional and other staff of the Committee shall be appointed, and may be removed by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional and other 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) It is intended that the skills and experience of all members of the Committee staff be available to all members of the Committee.

Subcommittee Staff

(b) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available so that each subcommittee can carry out its responsibilities under the rules of the Committee and that the minority party is treated fairly in the appointment of such staff.

Compensation of Staff

(c)(1) Except as provided in paragraph (2), the Chair shall fix the compensation of all professional and other staff of the Committee.

(2) The ranking minority member shall fix the compensation of all professional and other staff provided to the minority party members of the Committee.

RULE 7: BUDGET AND TRAVEL

Budget

(a)(1) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

(2) From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chair, after consultation with the ranking minority member, shall designate an amount to be under the direction of the ranking minority member for the compensation of the minority staff, travel expenses of minority members and staff, and minority office expenses. All expenses of minority members and staff shall be paid for out of the amount so set aside.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 8: COMMITTEE ADMINISTRATION

Records

(a)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if

a majority of the members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) 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 Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee Publications on the Internet

(b) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

INTRODUCTION OF LEGISLATION TO CREATE A COOPERATIVE RESEARCH PROGRAM FOR HAZARDOUS MATERIALS TRANSPORTATION

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

Mr. CUMMINGS. Mr. Speaker, today I am introducing legislation to establish a Cooperative Research Program for Hazardous Materials Transportation.

This program will enable experts from the multiple Federal agencies responsible for regulating and enforcing the hazardous waste materials industry to join with the private sector and State and local governments to research cross-cutting issues in the transportation of hazardous materials that are not adequately addressed by existing mode-specific research programs.

Hazardous materials move through thousands of local communities across the United States every day, usually without the knowledge of residents or even of local officials. During the past decade, the United States Department of Transportation has recorded between 14,000 and 18,000 unintentional releases of hazardous materials during transportation on an annual basis. Between 1994 and 2003, these incidents resulted in 210 fatalities and more than 3,400 injuries.

Recent incidents involving the release of hazardous waste being transported by trains, including a 2001 incident in my district in Baltimore that resulted in a massive fire, as well as incidents in South Carolina, Texas and South Dakota that resulted in fatalities, have dramatically reminded us of the danger that these shipments can pose to our communities.

It is, therefore, imperative that we take every concrete step available to us to improve the safety and security of hazardous materials transportation, and the bill I introduce today takes a joint step towards enabling us to improve all facets of hazardous materials transportation.

□ 1415

Currently more than a dozen Federal agencies have regulatory, enforcement and operational responsibilities over the estimated 1 million hazardous materials shipments that are made on a daily basis in the United States.

These Federal agencies share responsibilities with literally thousands of State and local agencies and private sector actors, for anticipating and responding to the varied risks, including safety, security, human health and environmental risks associated with the transportation of hazardous materials.

A report just issued by the Transportation Research Board has found that perhaps the most notable gap in America's system of ensuring hazardous material safety and security is in the conduct of research that is cross-cutting and/or multimodal in application.

This is a wake-up call urging us to begin to address the transport of hazardous materials from a comprehensive multimodal perspective rather than from the isolated perspective of a single mode program or material type.

Modeling the successful cooperative research programs that already exist to study transit and highway transportation, my bill will create a cooperative research program that will bring together representatives of 10 Federal agencies, private sector hazardous material shippers and carriers, and State and local governments to study cross-cutting topics in hazardous materials transportation.

Priority will be given in the selection of research projects to topics that yield results immediately applicable to risk analysis and mitigation and/or that will strengthen the ability of first responders to respond to incidents and accidents involving hazardous materials, among other topics.

My bill mandates that the research program conduct studies that will inform the routing of hazardous shipments and the development of regulations regarding mandatory routing decisions, the formulation of appropriate packaging requirements for those hazardous materials that are most frequently involved in release incidents, the development of reasonable models of State and local risk response and management plans that effectively address both safety and security considerations, and the definition of the roles and responsibilities of carriers and shippers in the hazardous materials events response and even event response procedures that can be consistently applied across all transportation modes.

Without the ability to adequately research and respond to issues in hazardous materials transportation that are multimodal in scope and national in application, our ability to make informed legislative, regulatory, and operational decisions regarding hazardous materials transportation is unacceptably limited.

Therefore, I urge you to join me in supporting the formulation of a cooperative research program for hazardous materials transportation by cosponsoring this important legislation.

HONORING VOLKMAR WENTZEL

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

Mr. MOLLOHAN. Mr. Speaker, on Friday evening, the German Embassy here in Washington will pay tribute to a man of extraordinary talent, a native son whose artistry with a camera has opened the eyes the world over.

Today I rise to salute this remarkable gentleman and his distinguished career. Volkmar Wentzel had an unusual introduction to photography. His father was a photochemist and built a darkroom at the family home in Dresden. He would send his boys there when they misbehaved. One day young Volkmar happened to hit the switch that turned on the red inspection light. There in the darkroom he saw the magic of photography for the very first time.

When he was 9, he and his father built a pinhole camera. It was another defining experience. In his words, ''My camera became the passport to a fascinating life.'' Two years later the Wentzels left Germany, escaping the turmoil that followed World War I. They started a new life here in America, in New York.

As a young man, Volkmar set off in search of adventure, but his grand vision to travel to South America stalled in Washington, D.C. By chance, he made new friends who steered to him to Aurora, West Virginia. A colony called the Youghiogheny Forest had been started there by a mix of artists, musicians, writers, doctors and others. It is where they spent slow periods during the Great Depression. They hired Volkmar to look after their property and studios. To our great pride, that is

where his career began, in the mountains of Preston County.

The first images he captured were the breathtaking beauty of the countryside. Soon he focused his lens on the people. He gave farm families pictures of their children in exchange for vegetables from their gardens.

One day Eleanor Roosevelt stopped in Aurora for lunch. She was on a trip to Arthurdale, a New Deal Homestead community that she had taken under her wing. The First Lady bought a few of the postcards Volkmar had made. The real profit was not the price she paid, rather, it was the encouragement that Volkmar felt.

He was inspired to come back to Washington to pursue a professional career, and what an amazing career it has been.

I am sure that many of my colleagues have been dazzled by his book, ''Washington by Night.'' It gives a dramatically different view of the city's best known landmarks. Even today, more than 60 years after he captured those images, they still enhance our sense of wonder.

The same is certainly true of Volkmar's long and distinguished career with the National Geographic. From the Himalayas to Newfoundland, his work gave us rich new perspectives, and new understanding, of the world around us. And that is what makes him such a compelling artist. His keen eye, his technical skill, his respectful nature, his gracious manner, all of these things are evident in every photograph he takes.

Of course I have a special affinity for his award-winning work in West Virginia, and I am always proud to tell people that Volkmar and his wife, Viola, consider Aurora to be their home and are active in the local historical society.

The Wentzels recently celebrated his 90th birthday at their Washington residence. Tomorrow's reception will allow his friends and admirers to mark the happy occasion and to salute the work of this outstanding talent and true gentleman.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 227

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina (Mr. JONES), the gentleman from Maryland (Mr. VAN HOLLEN), the gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. SHERMAN), and the gentleman from California (Mr. FARR) be removed as cosponsors of H.R. 227. I am the sponsor of H.R. 227, and their names were added in error.

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

There was no objection.

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to be able to join my colleagues who are here on the floor and will be presenting a Special Order in tribute to black history. I know my colleagues will begin an hour in just a few minutes, and I want to add to their offering this afternoon by sharing the importance of acknowledging this month with something a little bit different.

I am glad that through the calendar year we give an opportunity to be able to recognize the richness of the diversity of Americans. We are in fact a mosaic, not necessarily a melting pot, and we have many months to be able to honor so many different groups. And although this month has been designated as Black History Month, might I say that I look forward to the day that we stand as Americans and we are enriched by all of our cultures and that we respect them throughout the year, and that our classes throughout America are filled with anecdotal stories about all of the pioneers who came to this country, some of us quite differently.

I believe that Black History Month has been established primarily because, of course, the ancestors of those of us who are African Americans came first to this Nation in the bottom of the belly of a slave boat. But through that journey, that dark passage, we came to this Nation recognizing that its very tenets represented our ideals, and that is of opportunity, of sharing, of giving, of excellence.

So today I cite for our colleagues the importance of Black History Month, to be able to share those heroes. I may call a very limited list, because to call the whole roll would be enormous. I know they are familiar names, such as W. E. B. Dubois, George Washington Carver, or Sojourner Truth, the suffragette who may have been left unknown and unexpressed, but we know of her great emancipation work and her work on behalf of women, giving them the opportunity to work.

Harriet Tubman was known as General Moses, who helped to bring slaves through a free America. George White was the last African American to serve in the United States Congress in 1901 when he was redrawn out of this House through redistricting. He stood on the floor of the House and he said, ''Like a phoenix, the Negro will rise.''

General Chappie James during World War II showed himself to be a proud American, fighting against the forces of evil. The Tuskeegee Airmen, which we honored just a few weeks ago. So many.

Then, of course, we bring ourselves to the civil rights movement. And who does not know the name of Rosa Parks, someone who was willing to sit down and be counted against, again, the evil of segregation. We know the names of those like Martin Luther King, but do we know Josea Williams and Andrew Young? These are great icons.

And of course we know that so many of them brought us to the point where we could stand on this floor, Dorothy Height, who is with us today, her great leadership, and C. Dolores Tucker, both women who were pioneers and willing to take a chance.

Might I share, Mr. Speaker, some of the local heroes of Houston, Texas.

Jack Yates, who founded the Bethel Baptist Church, which suffered an enormous fire just a few weeks ago. How grateful I am that that community has come together and has stood together to say that history is important, not just for African Americans or Houstonians, but for all of us.

F. M. Williams. His father had a school named for him, M. C. Williams. We thank him for the spiritual leadership and being able to be concerned about education.

Christie Adair, Moses Leroy, Zollie Scales are all great heroes in our community who passed on, but Beulah Shepard, who remains in her early eighties, is someone who believed that just one single vote could make a difference, and went throughout the community registering people to vote and empowering them. She was a political leader. Unelected, but yet a leader in our community.

So many stand as heroes. Esther Williams. She was one of the early precinct judges and a dear friend. She was always in the political organizational aspect of our leadership, and she did it to open the doors for others.

Our first judges, like Henry Doyle; and certainly some of our attorneys, like attorney Plummer and attorney Whitcliff; or our early doctors, like John B. Coleman. So many. Dr. E. A. Lord and many others who have preceded the Perrys, Dr. and Mrs. Perry.

So I list these names not because they asked to be listed, but because this month is extremely important in recognizing the fulness of America and the diversity of America and our willingness to acknowledge them by this month. Let us always be reminded that our brilliance, our greatness is because we can stand under one flag, differently but yet united.

I go to my seat, Mr. Speaker, challenging the City of Houston and our school district, the Houston Independent School District, to cherish that history and ask and plead with them not to close Jack Yates High School, Kashmir High School, and Sam Houston High School because our history is so important.

BLACK HISTORY MONTH

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, February is designated as Black History Month, and I want to take this opportunity to utilize this very practical observance, or practical designation.

The observances have very practical values. Some people have said they are useless and also they are insulting because our history goes on all the time. Why do we need to single it out for just one month? And if they are important, why only have one month?

Well, the way Americans do things, part of our culture and part of our way of life is we do highlight things, days of observances, holidays, special ceremonies, all these things are part of the way we capture people's attention.

□ 1430

I am grateful for the fact that the whole month of February is designated as Black History Month. There was a time when there was no such designation, and there was a gentleman named Carter G. Woodson who resided here in Washington D.C. who worked for years to get a Black History Week designation.

The purpose for his Black History Week designation was a practical one. He wanted an opportunity to be able to highlight some of the achievements of African Americans over the years. So the fact now that television stations and corporations and various other people have pitched in and they pay homage to Black History Month is an achievement to be saluted. I congratulate the people who worked to have that done. It is for us, both black and white, to understand ways in which we can take advantage of the fact that this observance exists. You cannot separate American history from black history or black history from American history. The history of African Americans certainly is interwoven with the history of the United States of America in a way which can never be separated.

I would like to see us deal with black history as a continuum. The fact that people in small groups or individuals made contributions should not be played down. We are proud of the fact that you have a whole series of individual achievements that were highlighted when you start celebrating. We know that Thomas Edison had a black assistant who played a great role in what he did. Alexander Graham Bell. The inventor of the traffic light was a black man. Crispus Attucks was one of the first people to fall in the Boston Massacre. Crispus Attucks was a black man. There are a whole bevy of achievements that are saluted.

We often bring up the Tuskegee Airmen and how it took black groups highlighting the achievements of the Tuskegee Airmen in World War II before they were recognized nationally by the entire American public. They did not fly in a segregated war. They were escorts for bombers flying to Germany in World War II. They played a major role and should have been recognized right away, but that was not the case.

So the separate recognition and the efforts made by people to highlight their group achievements have been very important. Dorey Miller, who was one lone individual, needs to be celebrated and highlighted and maybe we will one day get an appropriate Congressional Medal of Honor for Dorey Miller. Dorey Miller happened to be a black man who was in the Navy, on one of the ships that was attacked on the day of the Pearl Harbor raid. Dorey Miller was a cook. He was not allowed to handle the guns at all. He had never been trained as a gunner and generally was forced to stay away from any kind of combat training. But on the day of Pearl Harbor, Dorey Miller shot down two Japanese planes standing on the deck of the Arizona, I think it was, with courage and skill fought back and deserves to be recognized. And on and on it goes in terms of highlighting individuals.

I think as we highlight individuals, we also should understand that the social and political and economic history is much more complicated and has to be part of what we discuss as we observe Black History Month in February. I would like to call the attention of the Members to the fact that the Public Broadcasting System, which is under attack right now for various reasons, from the left and the right, is not given the kind of acclaim they deserve for producing magnificent programs. The quality of their programming is really outstanding.

They did a series on slavery. That series ended last night. I saw the last part of it. It is a magnificent series that introduces a number of basic facts that most people have never known and others have forgotten. It also highlights the passion and the fervor of the struggle, the struggle on both sides, the struggle of the African slaves to get free in this country and the struggle and fervor of the people on the other side who wanted them very much to never be free because they were property earning great profits. The magnitude of those profits earned by slave labor was discussed at great length.

Everybody in this country needs to understand the role of slave labor in the building of the wealth of America. They need to understand it was not just the South but New York City was one of the biggest, it was the second or third largest port where slaves came into the country. They need to understand that although cotton was king and very profitable, it was profitable not only for the people who grew the cotton in the South but the mills in New England and in the North that made textiles also profited greatly from the slave labor that produced the cotton that they made into textiles. That piece of economic history is very important to understand and comprehend.

People dismiss and consider it an insult when certain groups of African Americans say that we do reparations. Reparations is not a silly idea. Reparations ought to be considered because of the fact that so much slave labor, free labor, labor taken with no compensation, went into the building of this Nation, that there ought to be some consideration in some way. I will not go into any great detail at this point, but this Capitol was built by slaves. This Capitol was built by slaves. Only recently have they discovered documents which certainly make it quite clear that slave labor built the Capitol. They have the actual records of how they contracted with the masters of the slaves and paid them, I think, $5 a week or something for their slaves to work. You can document it if you are interested in seeing it in greater detail and if you doubt that that is the truth, but the Capitol was built by slave labor and much of Washington and much of the east coast, I assure you, in the early days, before the Civil War, was built with slave labor as well.

We have an African-American museum that is about to be undertaken here in Washington with the support of our government. It is going to be a museum which brings all this together. We have achieved, finally, the American Indian museum on the Mall that opened, I think, last year. That American Indian museum pays proper homage to the original Americans who were here when the explorers from Europe came. I think that is very important. But proper homage has not been paid to the Africans who helped to build this Nation, who were not here when the Europeans came, who did not come voluntarily as immigrants, but who came here kidnapped and in chains, but nevertheless their labor helped to build America.

That African-American museum is going to be a part of the Smithsonian Institute. That African-American museum will be partially financed by the Federal Government and partially financed by private funds, I think like the museum of the Holocaust, partially paid for with private funds and some government funds.

The African-American museum is a great opportunity to accomplish what I was talking about before in terms of the continuum, showing in a continuation the economic, social, and political development of black life in America and what the impact of African-

American labor and participation was here in America.

It is going to be on the Mall, I am told by my colleague, the great John Lewis, John Lewis, who has participated in the making of a great deal of African-American history. John participated the hard way. He was a hero in the civil rights struggle. If you want to go back and watch the films, you can see John on the Edmund Pettis Bridge getting beaten up. You can see John in some film of the freedom rides where they were trying to integrate the Greyhound buses, interstate buses. You can see them beating John Lewis. So John Lewis was definitely a part of history. It is altogether fitting and proper that John Lewis has played a major role as we prepare for this museum to be developed and opened on the Mall here. John tells me that it is going to be on the Mall. There was some question about whether it would be located on the Mall or somewhere else. There were people who said the Mall is crowded now and there is no more room for another museum. There were people who felt that there were other locations in Washington where you should put the African-American museum; but I am so proud of the fact that John reports, and I salute President Bush, John reports that President Bush says he wants the museum on the Mall. He will support the building of the African-American museum on the Mall.

We will have collected there the whole range of activities that go into the making of the history of a people. I am certain that a lot of things that have been lost will now be found. The records of the early Members of Congress after the Civil War who were black, one has to search very diligently to find out who was here, what kinds of speeches they made and what the situation was and the whole drama that was played out as they removed the more than 30 African-Americans who came to Congress and the Senate shortly after the Civil War. That whole drama is a story that needs to be told as there are many other stories that need to be told.

The story needs to be told of what it meant for the early colonists to have all that slave labor that was available through the slaves in terms of overcoming the wilderness that was quite unfriendly and the wilderness that had in many cases defeated the gentlemen who came from Great Britain who were not prepared to do the kind of hard work that had to be done to sustain a nation in the wilderness.

The story has to be told of how in the French and Indian wars, the blacks fought side by side with George Washington and the Americans against the French, and the Revolutionary War where blacks divided. Some wanted freedom, they were promised freedom by the English and they fought on the side of the English; and many more fought on the side of the American patriots. George Washington had a major assistant who was black, who has gotten lost in history out there and would be retrieved.

The whole history of how in New York City, the building of that city and the movement of the black population from one place to another would be retrieved in this African-American museum. Central Park was a major location of an African-American settlement. That settlement was unceremoniously bulldozed and removed later on. That story needs to be told.

The story of the Negro burial ground in lower Manhattan which recently received a memorial. A memorial was built there because we have a Federal building that was being built on that ground over the Negro burial ground, and the excavation process brought up skeletons and indicated it was a ceremony and there was a protest. This is a 10-year project that went on. Finally, the settlement was that they built a memorial right there at the Federal building and they reinterred the bones of those who had been dug up. I was at that ceremony, recognizing the tremendous cost that was sustained by the African-American community at that time.

Facts came to light as to terms of the volume, the large numbers of people who were worked to death. They even took some of the bones to various institutions and analyzed the bones and the trauma that had been experienced by the bones and found out that necks were broken because of the load that they had to carry, that spines were cracked and the horror of slave labor you get from that Negro burial ground memorial in New York.

That is one of many black history exhibitions and museums and libraries across the country. They all make a small contribution. The wonderful thing about having an African American museum on the Mall is that it says to all of America, it says to the whole world, that we are prepared to recognize fully the involvement, the contributions and the role played by African Americans in the history of the United States of America. Across the country we have a lot of small museums that deserve to be examined. As you travel from one place to another, you can find in many places various museums and cultural centers.

□ 1445

In Richmond, Virginia there is the Black Museum and Cultural Center. Out in Idaho there is the Black History Museum. Right here in Washington, of course, we have the Anacostia Museum; and the Museum of African American History in Boston; New York Institute for Special Education in the Bronx, a small recent one; the Lucy Craft Laney Museum of Black History in Augusta, Georgia; Charles H. Wright Museum of African American History in Detroit, Michigan.

I am not going to read them all, but just to give some example of how there is a body out there, maybe too few.

Rosa Parks Library & Museum in Montgomery, Alabama. I think the Rosa Parks Museum in Montgomery, Alabama is located in the same corner where she refused to go to the back of the bus. That is very symbolic. And the great National Civil Rights Museum in Memphis is one of the most dramatic of the museums. Memphis, Tennessee was where Martin Luther King was assassinated. He was assassinated at the Lorraine Motel, and that is the site of the museum. The Lorraine Motel has been converted into a civil rights museum.

The University of Colorado Department of History has a museum; the African American Museum in Dallas, Texas; the Howard A. Mims African American Cultural Center in Cleveland; the African American Culture Links throughout the country now on the Internet. Of course in New York City we have the great Shimberg Library, which is probably the definitive collection of books and materials about African Americans, not just African Americans but Africans from time and memorial.

So we would like to take this opportunity in February, when we have the observance and the attention is focused, to remind people that they can go find out quite a bit about black history in these places. The Public Broadcasting System's documentary which I referred to before, that is available. People can get the documentary itself, and it would be, I assure my colleagues, worthwhile to have a copy of that documentary which does a very dramatic and human presentation of slavery in America.

There are a lot of different Black History Month events that are going on right now. Just to give a few examples, the Slave Life of Mount Vernon is being performed at the Mount Vernon Estate and Gardens in Mount Vernon here, not far away. The College of Notre Dame of Maryland is doing a Soul Bake Sale. The Writing on the Wall is an exploration of the recent renaissance of graffiti art as a form of social critique. It goes back to Africa, at the Community College of Baltimore. There is a Black History Month Film Series at the Walters Art Museum, et cetera. Many other events are taking place this month from here. Up to February 17, today, there have been many others.

Mr. Speaker, I will submit for the RECORD two items: the Black History Month events in the metropolitan area, a listing of those events; and the Black History and Culture libraries and museums listing across the Nation.

BLACK HISTORY MONTH EVENTS IN METRO AREA

THURSDAY, FEBRUARY 17

How Old Is A Hero

This musical production is a tribute to children of the Civil Rights era., Where: Carl J. Murphy Fine Arts Center., Time: 4 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.–4 p.m.

Soul Food Bake Sale

Feed your soul with goodies like homemade rice pudding, sweet potato pie, poundcake, chocolate cake and more., Where: College of Notre Dame of Maryland., Time: 11 a.m.–2 p.m.

Soul Food Cooking Class

Learn how to prepare healthful soul food at the store known for healthy food., Where: Whole Foods Market., Time: 7:30 p.m.

The Writing on the Wall

Explore the recent renaissance of graffiti art as a form of social critique in this art exhibit by Aniekan Udofia., Where: Community College of Baltimore County, Essex Campus., Time: 11 :30 p.m.–1 :30 a.m.

FRIDAY, FEBRUARY 18

Black History Month Film Series

This film series, ''Exploring African American Women Through Film,'' includes ''Lift'' and ''Chisholm '72—Unbought and Unbossed.'', Where: The Walters Art Museum., Time: 7:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.–4 p.m.

SATURDAY, FEBRUARY 19

African-American Historv at the Walters Art Museum

Celebrate Black History Month with an array of African-American art forms., Where: The Walters Art Museum., Time: 10 a.m.–4 p.m.

How Old Is A Hero

This musical production is a tribute to children of the Civil Rights era., Where: Carl J. Murphy Fine Arts Center., Time: 1 p.m.

Saturday Film Series

Explore the triumphs and struggles of African-Americans throughout history., Where: Banneker-Douglass Museum., Time: 12:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens ., Time: 9 a.m.–4 p.m.

SUNDAY, FEBRUARY 20

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.–4 p.m.

MONDAY, FEBRUARY 21

DJ Workshop Featuring Ron Brown

Washington hip-hop legend Ron Brown leads an instructional workshop for aspiring and experienced DJs., Where: Community College of Baltimore County, Essex Campus., Time: 11:30 a.m.–1 :30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.–4 p.m.

TUESDAY, FEBRUARY 22

Alvin Ailey American Dance Theater

Come watch the Alvin Ailey American Dance Theater perform works from its classic repertory including Ailey's signature masterpiece exploring African American spirituals., Where: The Kennedy Center., Time: 7 p.m.

Hip-Hop Panel Discussion

A panel of experts discusses Hip-Hop Kujichagalia: Hip-Hop and African American Self-Determination., Where: Community College of Baltimore County, Essex Campus., Time: 12:20 p.m.–1:15 p.m.

Presentation of Sistahs Speak Out: Hip Hop

Sistahs Speak Out performs live hip-hop., Where: Anne Arundel Community College., Time: noon–2 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.–4 p.m.

WEDNESDAY, FEBRUARY 23

Alvin Ailey American Dance Theater

Come watch the Alvin Ailey American Dance Theater perform works from its classic repertory including Ailey's signature masterpiece exploring African-American spirituals., Where: The Kennedy Center., Time: 7:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.–4 p.m.

THURSDAY, FEBRUARY 24

Alvin Ailey American Dance Theater

Come watch the Alvin Ailey American Dance Theater perform works from its classic repertory including Ailey's signature masterpiece exploring African-American spirituals., Where: The Kennedy Center., Time: 7:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.–4 p.m.

FRIDAY, FEBRUARY 25

Alvin Ailey American Dance Theater

Come watch the Alvin Ailey American Dance Theater perform works from its classic repertory including Ailey's signature masterpiece exploring African-American spirituals., Where: The Kennedy Center., Time: 7:30 p.m.

Black History at the Aquarium

Spend the evening at the aquarium and see a presentation of black watermen and a mini-lecture with David T. Terry., Where: National Aquarium in Baltimore., Time: 5 p.m.–9 p.m.

Black History Month Film Series

This film series, ''Exploring African American Women Through Film,'' includes ''Lift'' and ''Chisholm '72—Unbought and Unbossed.'', Where: The Walters Art Museum., Time: 7:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.–4 p.m.

SATURDAY, FEBRUARY 26

Alvin Ailey American Dance Theater

Come watch the Alvin Ailey American Dance Theater perform works from its classic repertory including Ailey's signature masterpiece exploring African-American spirituals., Where: The Kennedy Center. Time: 1:30 p.m., 7:30 p.m.

Cabaret

In celebration of Black History Month, the Theater Company presents a spectacular evening of dinner, entertainment and dancing. Where: Johns Hopkins University. Time: 6:30 p.m.

Illumination: Master Works

In honor of the Martin Luther King Jr. holiday, this display of African American Art is from the collection of Harryette and Otis M. Robertson. Where: Towson University.

Life Opera

Hear a live performance of an original composition that shows how the changes in music have complemented and mirrored the lives of African-Americans. Where: Lexington Market. Time: noon–2 p.m.

Saturday Film Series

Explore the triumphs and struggles of African-Americans throughout history. Where: Banneker-Douglass Museum. Time: 12:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington. Where: Mount Vernon Estate and Gardens. Time: 9 a.m.–4 p.m.

SUNDAY, FEBRUARY 27

Alvin Ailey American Dance Theater

Come watch the Alvin Ailey American Dance Theater perform works from its classic repertory including Ailey's signature masterpiece exploring African-American spirituals. Where: The Kennedy Center. Time: 1 :30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington. Where: Mount Vernon Estate and Gardens. Time: 9 a.m.–4 p.m.

MONDAY, FEBRUARY 28

Baldwin Over Cocktails

The National James Baldwin Literary Society presents an evening of music and food, featuring readings of Baldwin's work and other performances. Where: Mansion House Seafood Restaurant. Time: 5:30 p.m.–8:30 p.m.

James Baldwin Black History Month Celebration

Come have a great night out featuring food, live music and dancing all in support of The National James Baldwin Literary Society in Baltimore. Where: Maryland Zoo in Baltimore. Time: 5:30 p.m.–8:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in

Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington. Where: Mount Vernon Estate and Gardens. Time: 9 a.m.–4 p.m.

SATURDAY, MARCH 19

Telling Our Stories . . . Our Way

Authors who speak to the African-American experience through various literary genres will talk to an audience of adults and families. Where: Johns Hopkins University. Time: 9 a.m.–3 p.m.

FRIDAY, APRIL 8

Theatre Morgan presents Raisin, the Musical!

Theatre Morgan's grand finale of the season features the talents of the Morgan State University Fine Arts Department. ''Raisin, The Musical'' is based on Lorraine Hansberry's ''A Raisin in the Sun,'' which won the 1974 Tony Award for best musical. Where: Carl J. Murphy Fine Arts Center. Time: 7:30 p.m.

SATURDAY, APRIL 9

Theatre Morgan presents Raisin, the Musical!

Theatre Morgan's grand finale of the season features the talents of the Morgan State University Fine Arts Department. ''Raisin, The Musical'' is based on Lorraine Hansberry's ''A Raisin in the Sun,'' which won the 1974 Tony Award for best musical. Where: Carl J. Murphy Fine Arts Center. Time: 7:30 p.m.

SUNDAY, APRIL 10

Theatre Morgan presents Raisin, the Musical!

Theatre Morgan's grand finale of the season features the talents of the Morgan State University Fine Arts Department. ''Raisin, The Musical'' is based on Lorraine Hansberry's ''A Raisin in the Sun,'' which won the 1974 Tony Award for best musical. Where: Carl J. Murphy Fine Arts Center. Time: 3 p.m.

FRIDAY, APRIL 15

Theatre Morgan, presents Raisin, the Musical!

Theatre Morgan's grand finale of the season features the talents of the Morgan State University Fine Arts Department. ''Raisin, The Musical'' is based on Lorraine Hansberry's ''A Raisin in the Sun,'' which won the 1974 Tony Award for best musical. Where: Carl J. Murphy Fine Arts Center. Time: 7:30 p.m.

SATURDAY, APRIL 16

Theatre Morgan presents Raisin, the Musical!

Theatre Morgan's grand finale of the season features the talents of the Morgan State University Fine Arts Department. ''Raisin, The Musical'' is based on Lorraine Hansberry's ''A Raisin in the Sun,'' which won the 1974 Tony Award for best musical. Where: Carl J. Murphy Fine Arts Center. Time: 3 p.m., 7:30 p.m.

SUNDAY, APRIL 17

Theatre Morgan presents Raisin, the Musical!

Theatre Morgan's grand finale of the season features the talents of the Morgan State University Fine Arts Department. ''Raisin, The Musical'' is based on Lorraine Hansberry's ''A Raisin in the Sun,'' which won the 1974 Tony Award for best musical. Where: Carl J. Murphy Fine Arts Center. Time: 3 p.m.

BLACK HISTORY & CULTURE LIBRARIES & MUSEUMS

The Black History Museum and Cultural Center, Richmond, VA, *http://www.blackhistorymuseum.org*.

The Idaho Black History Museum, *http://www.ibhm.org*.

The Anacostia Museum & Center for African American History and Culture, Washington, DC, *http://www.anacostia.si.edu*.

Museum of Afro American History, Boston, MA, *http://www.afroammuseum.org*.

The New York Institute for Special Education, Bronx, NY, *http://www.nyise.org/blackhistory/*.

The Lucy Craft Laney Museum of Black History, Augusta, GA, *http://www.lucycraftlaneymuseum.com/*.

Charles H Wright Museum of African American History, Detroit, MI, *http://www.maah-detroit.org/*.

Museum of Afro American History, Boston, MA, *http://www.afroammuseum.org/*.

DuSable Museum of African American History, Chicago, IL, *http://www.dusablemuseum.org/home.asp*.

Reginald F. Lewis Museum of Maryland African American History & Culture, Baltimore, MD, *http://www.africanamericanculture.org/museum*_reglewis.html.

African American Historical Museum & Cultural Center of Iowa, Cedar Rapids, IA, *http://www.blackiowa.org/*.

Rosa Parks Library & Museum, Montgomery, AL, *http://www.tsum.edu/museum/*.

National Civil Rights Museum, Memphis, TN, *http://www.civilrightsmuseum.org/*.

University of Colorado Department of History, Colorado Springs, CO, *http://web.uccs.edu/history/ushistory/afroam.htm*.

The African American Museum, Dallas, TX, *http://www.aamdallas.org*.

The Howard A. Mims African American Cultural Center, Cleveland, OH, *http://www.csuohio.edu/blackstudies/afam.html*.

African American Culture Links, *http://cobalt.lang.osaka-u.ac.jp/~krkvls/afrocul.html*.

Mr. Speaker, this is 60 minutes dedicated to the observance of black history, taken by the Congressional Black Caucus.

Mr. Speaker, I yield to any Member of the Congressional Black Caucus who wants to speak on this Special Order of the black history observance.

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for his leadership in coming forward during this whole month of February when the whole Nation is invited to think about the history of African Americans and about their present effort to obtain first-class citizenship.

I was just at the White House, perhaps last week, it was when the President had a commemoration built around the new African American Museum, approved by the House and the Senate, something that African Americans have been trying to get ever since Civil War soldiers in Washington, D.C. asked for a museum. I want to just say how much I appreciate that the House and the Senate now have agreed that the Congress will pay for 50 percent, and we will raise money, we in the public, Americans of every background, for this museum here in the District of Columbia to commemorate the history, the very long history, a history as long as the history of the Nation itself, of African Americans in our country who were central to building the Nation as we know it, were critical to building its great economic might, and have been late because of the tragic history of our country in claiming the benefits and the rewards that most Americans are used to obtaining within a generation or two of coming to this country.

To the gentleman from New York, from Brooklyn in particular, a very distinguished member of a number committees, the Committee on Government Reform, on which I serve; and especially the Committee on Education and the Workforce, in which his long service has helped in many benefits in education that are remarkably important not only to African Americans but to our country, I say to him that I recognize that we began with a theme about the Niagara Movement.

Some may wonder about the Niagara Movement, which in a real sense started the 20th century movement for equal rights, the forerunner of the NAACP. A number of Washingtonians were at that first call. I just celebrated the life of one of them, Mary Church Terrell, a woman who in her eighties was picketing out in front of public accommodations, yes, here in the Nation's Capital, a southern city which was as segregated as any part of the South, picketing to open ordinary accommodations. This woman was the first member of any Board of Education in the United States; a very distinguished history, and one of only two women who put out the call for African Americans to come from around the country to talk about what they should do as the 20th century dawned to eliminate racism and discrimination in our country.

I want to note the extraordinary two works of Dr. David Levering Lewis, a historian who has won the Pulitzer Prize for his volumes on the life on W.E.B. Du Bois. This is the intellectual father of the civil rights movement, the first black to receive a Ph.D. from Harvard University, a man who in many ways was responsible for what remains the intellectual underpinning of black aspiration in America.

This is an extraordinary work. I have just finished Volume 1 and am just beginning Volume 2. He had a very long life, died on the day that the March on Washington gathered here in his late nineties. So no wonder it took two volumes. But it was his remarkable life, a life that in a real sense takes us on a journey of 20th century America for what blacks have encountered and how their effort to obtain equality in our country has proceeded. I recommend it to anyone who is interested not only in serious history but in wonderful writing and in events that in a real sense help us understand a lot of what is happening today. It is extraordinary work, which is why I think it won the Pulitzer Prize in the first place.

The second black to graduate from Harvard with a Ph.D. was one far less well known than W.E.B. Du Bois, whose name is so closely associated with the NAACP. He worked for the NAACP for ''The Crisis,'' their publication, for decades. He was central to its formation.

But less well known is the second black person to graduate from Harvard, Carter G. Woodson. As Dr. Du Bois was the intellectual father of the NAACP and of the Civil Rights Movement, Carter G. Woodson was the man who discovered black history at a time when almost no publisher would even publish works, even serious works like his own, about African American history, and now he is regarded by his peers as one of America's great historians. Carter G. Woodson proceeded right here in the District of Columbia to do his own work in a brownstone located in the historic Shaw area, organizing his own organization, the Association for the Study of African American Life and History, which continues to this day; his own presses.

When I was a youngster going to segregated schools in the District of Columbia, there was a Negro history bulletin that came every other week. So he somehow managed to do on-the-ground education of ordinary blacks like us in the schools, and to do some of the most important writing of history, in the professional sense, that has ever been done. He started the whole effort to not rewrite but to write American history.

People have to understand that much of American history as it described African Americans could only be called defamatory. Not only did it not bring out the contributions of African Americans, it defamed African Americans, built in the prejudices and discrimination of the larger society. It took a great intellectual like Carter G. Woodson to begin the process of undoing that.

Now we have Ph.Ds from all the great universities. We see some of them on television telling the story of African American life in the many documentaries, for example, that are being shown.

The gentleman from New York (Mr. OWENS) mentioned that the Capitol was built by slave labor. I want to reinforce that. The Capitol was built, yes, by slave and free labor, and there were also immigrant labor who contributed to it. But this House and the Senate passed a resolution indicating that we should find some way to take note of the fact that this very place where we now stand, we owe to the labor of free and enslaved blacks. Some of the enslaved blacks were simply brought here to work by their masters. The masters were paid; the slaves were not.

Some, frankly, were runaway slaves. My own great grandfather who came to Washington in the 1850s was a runaway slave. He did not work on the Capitol, but he certainly worked on the streets of D.C., because one could work on the streets. They were building D.C., and they did not ask them who they were unless the master came and found them, and under the Fugitive Slave Law, he could take them back. So that was always a real risk. But working on the Capitol, I am sure those were, as it were, well-documented slaves.

But, Mr. Speaker, until now the legislation which requires a task force to be formed to make sure that this commemoration takes place has not been formed. I know that the gentlewoman from California (Ms. PELOSI) has sent a letter to the Speaker, simply reminding him of that, because I am sure that that must be an oversight.

But the Visitors Center is about to be completed and the time to take care of this is when we are under construction. If I may express my own opinion, nobody wants, or at least I do not want, a statue of some slave in the Capitol. That is not what we are after. Some kind of tasteful reminder of this place and how it came to be has by statute been mandated, and I simply draw to the attention of both sides of the aisle that we have not done the start-up work to getting the appropriate kind of memorial of some kind built.

I mean, I think of the Vietnam Memorial. Nobody, when they thought there was going to be a Vietnam Memorial, ever envisioned that it would be that wall that now is a virtual place of worship.

□ 1500

It does not have any soldiers on it; it is just a wall with some names on it. In the District of Columbia, we have a Civil War memorial. It is the first memorial to the hundreds of thousands of African Americans who actually served in the Civil War. What it has are a listing of all those names. They served in the Navy and the Army. We got those names by working with Howard University, and there they are.

It is not a wall; it is another kind of an edifice. But it is, by the way, the only one of its kind, the only memorial to African Americans who fought for their own freedom and for one Nation, indivisible, at a time when they were not free, because when you entered the armed services, and talk about some volunteer soldiers, these were real volunteer soldiers, they did not give you your freedom in return. In order to recruit you, they did not say, You serve us, you are free. You were still a slave.

These are men who fought for their country at a time when we were in danger of becoming at least two countries. At the very least, let us begin here in the Capitol by remembering those who were black, some of them not free, who helped build the very place where we meet every week.

Mr. Speaker, I do note that during this African American History Month, Black History Month, we just lost two great Americans, Shirley Chisholm and Ossie Davis. These were one-of-a-kind historic figures; Shirley Chisholm not only because she was first, but she was first in many ways.

She was first in what she was willing to do to break barriers, the first African American woman elected to Congress, the first to run for President of the United States. I was in Florida at her funeral. She will be remembered. Indeed, she will never be forgotten.

She said she did not want to be remembered for being first. Shirley Chisholm understood what was important. She believed that you have to do something in order to be remembered. To many of us, her being the first black woman to come to Congress was doing a whole lot. For her it was not doing a whole lot. But her record in this House is an indication that it was.

But I think we would all do well to remember that before she died she did not even want to be remembered for what she is most likely to be remembered for, and that is being first to have the guts to run for President and being the first to become a Member of the House of Representatives itself.

As a woman, I count myself and the 22 other African American women who have come since as her living legacy. None of us had to encounter what she encountered, which was a House with nobody in it that looked like her. She deserves to be remembered for what she did for our country, for what she did for African Americans.

I do want to say about Ossie Davis, because I am still, as I was when he was alive, awed by his multiple gifts, it is very hard for me to understand people who have more than one gift. Most of us do not have even one. But here is a man who died nearing 90, therefore who lived through the worst days of segregation, and somehow or the other was able to press himself to bring his gifts out.

Those gifts were across the board. Those gifts were the gift of language, his gift as an actor, his gift as a producer, his gift as a leader of the civil rights movement, his gift in letters and in arts, and his gift as a playwright. Heavens, would that any of us, even those who are just being born black, be able to do in their lives as well even one of those things Ossie Davis will be remembered for.

We remember people in Black History Month precisely because they encourage us to do better, because they did it against far greater odds.

Finally, Mr. Speaker, I want to say a word during this shooting war about the role of African Americans in the United States military, because if there is any moment to remember them and if there is any time to remember those who now serve, it is now.

I have just come from a hearing this morning on the treatment of the National Guard and Reserve when it

comes to their health care. My congratulations to the chairman of the committee who called the hearing, the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform. This is not the first hearing he has had on this matter.

Mr. Speaker, the hearing was called because members of the National Guard and Reserve have complained about being treated as, for lack of a better word, I will call it second-class soldiers. They are not regularly enlisted soldiers. They are soldiers who are citizen soldiers, called forward in numbers we have never seen before. Almost 50 percent of the troops in Iraq are National Guard and Reserve.

When they are injured, they are not treated as enlisted people are treated. They are sent and held at medical hold companies, and these are scandalously underserved companies where they could not get medical treatment. The hearings have helped to focus on this and provide some improvements.

But what made me think of them to today is the history of disproportionate service by African Americans in the armed services of the United States ever since the war that created our country, the Revolutionary War. This urge to serve, often, perhaps most often, as volunteers, it does seem to me we should note during this Black History Month.

Dr. David Lewis in his volume begins to describe African Americans coming back after World War I. After you fought that kind of war, World War I, you kind of get your gumption, and even though the majority of African Americans lived in the South, we do note that that is when you had the great decade of lynchings, because so many of these African American soldiers came back, particularly to the South in the United States, and assumed that they should act like first-class citizens.

It was perhaps the most shameful decade of our country, and certainly the treatment of these World War I veterans was perhaps the most shameful chapter in American history because of the upsurge of lynchings, many of them men just released from a war that is still very much debated, World War I, where people still try to find out why we were there, why did it happen. It resulted in all the aftermath. Woodrow Wilson tried to make sure, though, that such a war never happened again, and World War II was brought about in part because of the failings of World War I.

I want to note the extraordinary over-representation of blacks in the Reserve and National Guard. Many of them, like so many volunteers in the Army today, are there first to serve their country, and, secondly, because they do not have the same economic rights that my son, that your son and your children have, and service in the volunteer Army is a way to go to college, a way to get a job. Any treatment of them other than first-class treatment in a war like this, a very controversial war, is very much to be criticized until we do much better.

Finally, Mr. Speaker, may I say that among those who are serving in this war are young men and women from the District of Columbia, the same as those who have served our country in every war since the Revolutionary War, and, if I may say so, very specifically in disproportionate numbers. For example, in the Vietnam War the District lost more men than did 10 States, and yet this is a city.

I have gone to a number of funerals; I have gone to Arlington National Cemetery. And just as the first from the District of Columbia served without a vote, so today not only do my constituents serve their country without a vote. They pay taxes, second per capita in the United States, without a vote.

That is bad enough, Mr. Speaker. But on top of that, to go to war without a vote, where your Member cannot vote one way or the other, and yet you volunteer for war, it seems to me that that ought to call to question whether or not the people of the District of Columbia ought to have equal representation in the Congress of the United States.

There is a young man working in my office, his name is Emory Kosh, and he spent a year on the front lines in Iraq. When he came back, somebody told him I was looking for staff assistants. He came and I was pleased to hire him. I must tell you, I congratulate the armed services and I congratulate his parents, because he has been such an excellent worker.

The armed services has done a great deal for African Americans because it was the best and continues to be the best equal employment opportunity employer in the United States.

But this young man stepped forward just as the Congress opened with two of his buddies from the District of Columbia who had graduated from high school here, and they asked for a meeting with the gentleman from Illinois (Speaker HASTERT) and our leader, the gentlewoman from California (Ms. PELOSI), simply to ask for the return of the vote in the Committee of the Whole to the District, a vote that I won in the 103rd Congress and which was taken back from me when the Congress changed hands.

They came to say, if I may paraphrase them, it would be a first step toward voting rights, and they came because they were about to see what we saw January 30, with the people of Iraq getting the very voting rights in their parliament that these three young men, who were just back from Iraq, did not have.

So they used the occasion to remind the Congress that they were proud to serve, they would serve again, they were volunteers, but that our country had an obligation to them and their families and that was to allow them the same representation, the same equality in the Congress that interestingly they felt they had in the armed forces of the United States.

Mr. Speaker, I draw that to your attention during Black History Month because I want my colleagues to understand that not all of this is history. In the District of Columbia now I am talking about a majority black population, about 60/40 black. But for 150 years the majority here was white. It is because the Congress of the United States has exercised an undemocratic proprietary sense of this city to intervene into its local affairs and to deny the citizens of this city the same rights that you insist upon for your citizens.

Remember that during Black History Month. Remember that black people in the District of Columbia, white people in the District of Columbia, anybody in the District of Columbia, because they live in the capital of their country, the proud capital of their country, are least proud of not having the same rights, particularly when Emory Kosh and other young men and women find themselves this very day in Iraq, Afghanistan, and all over the world serving their country in our name.

It is not history, Mr. Speaker, it is here and now; and we must take action here and now to make it history, to make it yesterday, just as slavery was yesterday, just as Jim Crow in the Nation's Capital was yesterday, just as the segregated schools I went to in the Nation's Capital were yesterday.

Let us make unequal representation in the Congress of the United States yesterday, make it history, for black, white, Hispanic and people of every background who live in the District of Columbia, who live in their Nation's Capital.

Mr. OWENS. Mr. Speaker, reclaiming my time, I thank the gentlewoman from the District of Columbia. Her point is that history is still continuing, and in the African American history museum that I spoke about before, there probably should be a section for unfinished business.

□ 1515

One of the pieces of unfinished business certainly is the fate of the District of Columbia respective of full representation in the House and the Senate.

I would like to say that the gentlewoman from the District of Columbia had mentioned some individuals, and that is very much a part of the history that is ongoing, and I hope that there will never be a minimizing of the role that has been played by individuals like Shirley Chisholm, like Ossie Davis.

But more closer to home, today is the 80th birthday of Congressman

Louis Stokes. Congressman Stokes was an outstanding Member of Congress serving on many different committees: the Select Committee on Intelligence, the Committee on Standards of Official Conduct, and the Committee on Appropriations. The kinds of things he got done while he was here are legendary, and I hope that history does not lose track of the achievements of Congressman Stokes.

A few days ago, at the ceremony for Shirley Chisholm, Congressman Ron Dellums was here. Ron Dellums is one of the most brilliant minds in America today still; but certainly when he was here, he had a chance to exhibit one of the most brilliant minds one would want to find on matters related to the military and international events. And Parren Mitchell also I hope will not get lost in history. These are people who served during the time that I have been a Member. Parren Mitchell from Maryland was a genius in the area of economic development. And he got started some things that continue and have been broadened to set aside for Federal contracts that started for minorities and was, of course, broadened to include women, and it continues.

So we do not want to lose track of the heroes who might inspire our young people. One of the great values of the African American history museum is that it will bring all of this together. We have a great problem with our young people in terms of them understanding what the history has been and understanding what the challenges are. And I think that to have physically located in one place these kinds of items, such as blacks in the military, and there will be a section related to what the gentlewoman from the District of Columbia was saying before, not just the role of blacks in World War I and World War II, but it goes all the way back to the war of 1812 and the Revolutionary War. There have been very few wars that have been fought where a major role was not played by African Americans.

So the stream of history, we want to make certain that that is properly handled; and then the mosaics, the little pieces, the individuals who made history should be a part of that in the proper places, and some of these heroes that I have just mentioned certainly should not get lost. The record and the inspiration and the achievements of Louis Stokes, Parren Mitchell, and Ron Dellums should live on forever.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for his vigilance and for sponsoring this Special Order. I also thank him for his constant work and hard work with regard to education, fully understanding that as we celebrate Black History Month that a people cannot rise unless that people is educated. So I thank the gentleman from New York (Mr. OWENS) very much for all that he does every day.

Mr. Speaker, those who have no record of what their forebearers have accomplished lose the inspiration that comes from history. These wise words were spoken by the Father of Black History, Carter G. Woodson. In 1926 he initiated Negro History Week, a week-long celebration of African American cultural heritage. Woodson knew that self-respect sprang from self-knowledge. He knew that an awareness of our history was crucial to our dignity and essential in our fight for equal rights in this country.

Carter G. Woodson also knew, as we know, that African American history is American history. African American history and American history is the sound of slaves invoking the Declaration of Independence. It is Sojourner Truth fighting for all of her sisters as she demanded, ''Ain't I a woman?'' It is the sorrow of spirituals and the joy of jazz. It is the horror of crosses crackling aflame in moonlight, of strange fruit dangling from treetops, of poverty and, yes, of pain.

And it is the bravery of freedom fighters desegregating buses, lunch counters, and schools. Mr. Speaker, African American history is the diverse tapestry of people who compose this Congress.

Carter G. Woodson would be proud to see that Negro History Week has blossomed into a month of events celebrating the giants of African American arts, letters, science, sports, and politics. He would delight in the flurry of assemblies in schools that showcase the inspirational stories of Frederick Douglass and Rosa Parks, both of whose birthdays fall in the month of February.

But Carter G. Woodson would be saddened that this flurry of attention to black history peters out as the snows of February melt out into the warmer days of March. He would realize, Mr. Speaker, that we still have a battle to wage and we are not stopping at February.

We will fight for education funding, for Social Security, and for health parity between blacks and whites. We will not accept that the mortality rate for African Americans is 30 percent higher than for whites. We will not accept that homicide is the leading cause of death of black men. We will not accept that 21 percent of African Americans are without health insurance, and we simply will not accept that changing Social Security is a solution to these fundamental inequities.

President Bush has declared the theme of this year's Black History Month to be the Niagara Movement. This movement, led by W.E.B. Du Bois, called for civil rights and civil liberties for all. In DuBois's ''Address to the Nation'' at Harper's Ferry in 1906, he said: ''We will not be satisfied to take one jot or tittle less than our full manhood rights. We claim for ourselves every single right that belongs to a free-born American, political, civil, and social; and until we get these rights, we will never cease to protest and assail the ears of America. The battle we wage is not for ourselves alone, but for all true Americans.''

It is in this spirit that I say, let us use this Black History Month as a springboard to call for equality for all Americans all year-round. Let us look to the leadership of Woodson and DuBois as we fight for all who toil and suffer among us.

Mr. Speaker, I would like to close with the words of a great man to whom we reluctantly bid farewell this Black History Month. In an interview last year, Ossie Davis said, ''We can't float through life. We can't be incidental or accidental. We must fix our gaze on a guiding star as soon as one comes up on the horizon. And once we have attached ourselves to that star, we must keep our eyes on it and our hands on the plow.''

Mr. Speaker, let us not be incidental or accidental. Let Ossie Davis be our guiding star as we pledge to keep our hands on the plow and fight for equality every day of the year.

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

Mr. OWENS. Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from New York (Mr. OWENS) for yielding, and I would like to associate myself with some of the comments that both he and the gentleman from Maryland (Mr. CUMMINGS) have made relative to the import and the importance of African American History Month.

I would certainly agree that all of those who have lived and who have come to this country have become a part of making America the great Nation that it indeed is. Oftentimes, when we think of black history, I grew up in an era where I was taught to read by unlocking words and, to an extent, we were taught that history meant his story, and lots of people think of history as meaning his or her story. I have been challenging young people throughout my district and every place that I have gone to view black history not so much in the context of history, but in terms of ''mystery,'' meaning that it becomes my story. And each one of us has a story that we can write or a story that we can tell.

I spent part of Monday, I say to the gentleman from New York, with 10 kindergartners in a school, and they were watching ''Roots'' as I came into the classroom. And before we ended the day, each one of them had decided that they were going to be an integral part of making black history and that they

were going to look back to understand where they came from so that they would have a better understanding of how they got to where they are, and they would have a greater awareness and appreciation of where they ought to be going.

So I want to commend the gentleman from New York and the gentleman from Maryland for helping to bring alive the historical development of African Americans in this country so that all of us know that we continue to move forward even as we look back. I thank the gentleman for this opportunity.

Mr. OWENS. Mr. Speaker, I would like to close by saying that this year, the year 2005, is a landmark year for the observance of African American history in that there will be an African American museum launched here on the Mall during this year. The money has been appropriated for the planning. There is a distinguished board of Americans who are going to go forward with this, including Oprah Winfrey, Ken Chenault of American Express, Tony Welters of AmeriChoice, and a whole group of business people and academics who will oversee the beginning of this process. I would like to call upon all celebrities out there who have money, because part of the arrangement is that the government will pay for one-half of it, and the other half has to be raised in private contributions. So I call on all of the celebrities and the stars and the athletes to come forward and let us make certain that this great project does not falter at all as a result of not having the private funds to match the government funds.

It is a great day in the observance of African American history, a long haul from the day when Carter G. Woodson asked for a 1-day observance and could not get it, and then it finally became a week and a month. We want a museum that brings it all together right here in Washington to make sure that our children and the children of all Americans, not just African American descendants but all Americans, understand the role and the contribution of African Americans to the history of this great Nation.

MOURNING THE LOSS AND CELEBRATING THE LIVES OF THREE PROMINENT CHICAGO CITIZENS

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

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from North Carolina (Ms. FOXX) for giving me the opportunity to make these comments prior to the hour that she will be using on behalf of the majority.

Mr. Speaker, this week, residents of Chicago lost three of its most prominent citizens. Earlier today, the funeral was held for a blues singer, a fellow named Tyrone Davis, who has had great popular songs such as ''Mom's Apple Pie'' and ''Turn Back the Hands of Time.'' Tyrone grew up in Mississippi, rural Mississippi, as a matter of fact, not far from Greenville. He came to Chicago and ultimately became one of the top recording artists in the country. He also happens to be a resident of the neighborhood that I come from. He came and lived on the west side of the city of Chicago and interacted in the night clubs and blues joints before he rose to the top.

□ 1530

And so I simply want to express condolences to the wife and family of Tyrone Davis, great blues singer. We also lost this week attorney Earl Neal, one of the most accomplished lawyers that the country has ever seen.

Earl distinguished himself as a great attorney, great trial lawyer, but also was actively engaged and involved in civics and community affairs, chairman of the board of trustees of the University of Illinois, his alma mater; chairman of the University of Illinois Alumni Association; and also chairman of the Urban Health Program, where, through his efforts, the University of Illinois trained more African American physicians and dentists than any college or university in the Nation, with the exception of Howard and Meharry.

And so certainly we want to extol our condolences to Earl's wife, Isabella, his son, attorney Langdon Neal, and other members of his family.

And finally Milton Davis, who was chairman of Shorebank, little group of people got together, started a bank, they called it south Shorebank. It emerged as the number-one community lending institution in the Nation. Right now its assets are more than a billion dollars, and Milton Davis and I collaborated, and he put a bank in the neighborhood where I lived, called the Austin branch of Shorebank.

So I simply want to express condolences to his wife and family, and all of those who are associated with Shorebank, one of the top community lending institutions in the Nation, on the life and legacy of Milton Davis, its former president and chairman.

Mr. Speaker, I take this opportunity to commend the life and work of one of America's most skilled, most effective and most influential lawyers, Attorney Earl Neal. Over the years, I have often heard Earl Neal referred to as a lawyer's lawyer or as the city's expert on may issues, no matter who the mayor or city's management might have been composed of. I have been involved in court cases and litigation where I was on one side and Earl was on the other. In each instance, although we were (in fact adversaries) I always found myself wishing that we were on the same side. There were instances where we were on the same side of issues and I always had the highest level of assurance that were being represented as well as humanely possible.

In addition to being an outstanding lawyer, Earl and his wife Isabella were prominent civic and social leaders in the State of Illinois. He was intimately associated with his alma matter, the University of Illinois serving on the Board of Trustees, President of the Alumni Association and Chairman of the Urban Health Advisory Council which resulted in the University of Illinois training more African American physicians and dentists than any medical school in the USA with the exception of Howard and Meharry.

To Mrs. Neal and Attorney Langdon Neal and other members of the family, you have the heartfelt condolences of myself, my wife, Vera and our entire family. Earl has been as Harold Washington would say, "fruit of the loom, best of the breed, in a class by himself."

STOPPING WASTE, FRAUD AND ABUSE IN GOVERNMENT SPENDING

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the majority leader.

Ms. FOXX. Mr. Speaker, I rise with my colleagues today to highlight the important role this Congress must play in rooting out waste, fraud and abuse in government spending. The Federal Government currently spends over $69,000 every second of every day. That astonishing figure is simply too high. This Congress must become a better steward of the taxpayers' dollars and we must do it now.

Our constituents deserve to send less of their hard-earned dollars to Washington and have more of their money to spend on their families, businesses and dreams. They meticulously budget their dollars at their kitchen tables and we owe it to them to do the same here in Washington.

Mr. Speaker, in order to do this, we must crack down on waste, fraud and abuse in government spending. We are going to have others of our party speak.

And now I would like to yield the floor to my esteemed colleague, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding. I appreciate the esteemed remark. I am not sure what that means, but I will take it as a compliment. Thank you very much.

You cannot talk about eliminating waste, fraud and abuse in Federal spending without kind of putting it in some context. During the 1950s, the Federal income tax amounted to about 2 percent of the family budget.

At that point in time, Americans had continued to experience a growing standard of living as it has continued

to grow. In the 1990s, however, the Federal income tax consumes about 25 percent of that same family of four's income. And I think most of us have run on platforms that have said that Americans are overtaxed.

Tax levels at all levels when you begin to add Federal income taxes, State income taxes, local taxes, the sales taxes, the variety of taxes that we all pay from cradle to grave, they consume about 50 percent of a family's income.

We will celebrate, sometime in April, May, June, the day keeps getting longer each year, a tax holiday in a sense that most average Americans will have worked through that part of the year in order just to pay their taxes.

We will spend in this government on the order of $2.5 trillion in fiscal 2005 and 2006. You have already put that in context, $69,000 per second that is spent across the board, for the most part, most of it on programs that we all agree on; but some of it I think gets spent on things and in ways that we believe would be inappropriate.

The House Budget Committee has recently released a report that shows that there are billions, literally billions of dollars that are going to waste. These moneys are being paid to people who do not deserve them, people being paid by accident, being paid in many instances through fraud schemes, where folks are frauding the very systems that we put in place to help and nurture those in our society, those in our communities who can least afford to live. Those programs get preyed upon by some of the worst in our society.

You know, I suspect that speaker after speaker has stood at these microphones, on both sides of the aisle, to condemn wasteful spending, money that is getting spent that should not get spent. I suspect that if we took a vote in this House it would be a 435-to-0 vote against wasteful spending. It is very difficult to find a politician who would stand up and defend wasteful spending.

It is hard to find a constituent group that would stand and defend wasteful spending. The President has proposed a budget recently, and in that budget he has proposed about 150 programs that would be either cut, or spending reduced. In Washington, since that budget came out on the February 7, we have been the recipients of special interest groups across the board who want to defend those very programs. We cannot find a single special interest group who would be willing to defend waste, fraud and abuse in our Federal spending.

Let me give you some examples that will help put this in context for our fellow Members here in the House this afternoon, kind of what we are talking about. Twenty-one of the 26 major departments and agencies currently receive the lowest possible rating for their financial management.

Let me put this overall thing in context. I am a CPA. I have been in business as a practicing accountant for some approximately 36 years. And hearing things like this are obviously troubling to me on a professional level as well as on a taxpayer level, that we would have things like this going on.

The single most troubling one, as a former auditor, someone who has examined other peoples' books and rendered opinions as to the reasonableness of those books, the U.S. General Accounting Office will not certify the Federal Government's own accounting books because the bookkeeping is so bad.

Unfortunately we have got agencies, big and small, who cannot keep up with the tax dollars that Congress allocates to them to spend. We are 2½-plus years now into living under the Sarbanes-Oxley bill, a bill that came into existence as a result of financial accounting abuses by certain of my brethren in the accounting profession and certain leadership in various corporations.

We now have in place rules and regulations that require publicly traded companies to certify their books, that the chief financial officer certifies that book, that the CEO certifies that the books are correct under the penalties of going to jail for Federal felonies if those are incorrect. There is no one in the Federal Government who signs a financial statement under that same penalty.

So the fact that we cannot keep our own books ought to be troubling on a variety of levels. Talking about some specific dollars, the Federal Government made $20 billion in overpayments in overall payments. Medicare payments by themselves totaled $12 billion overpayments in 2001.

Mr. Speaker, I think we can do a lot with $12 billion. There is an awful lot of those programs listed in the President's 150 that could be covered by that $12 billion. I think the total savings that the President projects out of that 150 is about $20 billion.

Now, those of us who have a checkbook and write checks, you know, never write a billion-dollar check. We do not have a clue realistically how much money a billion dollars is in trying to stack it up. But to put it in context of overall savings of $20 billion, if we have got overpayments, either through by accident, charges that should not have been, double billings, physicians and health care providers who are scamming the system, that 12 billion is a big number.

Social Security income program has made overpayments of about $2 billion in 2002. And the Federal Management Service at the U.S. Treasury Department could not produce details on outstanding checks. In one case it caused a $3.1 billion overstatement of cash.

Now, I used to be a small businessperson and worked with companies as their auditor. One of the things you do when you write a check is you have a source document as to why you wrote that check. You got an invoice from a vendor in most instances, and you attach it; someone approves that invoice and someone sends it over to the check-writing department and they write that check. Then you file that invoice, and then at the end of the year the auditor comes in or the owner comes in and said, I need to kind of figure out where we spent our money.

You see this list of checks. You want to know why this check was issued. Then you go look in the file cabinet, or, in today's world, the way electronic data is kept, you go look for that source document: Why did we write that check?

Well, in an organization as large and as expansive as the Federal Government, you would expect a few invoices to be missing. I mean, that is just the nature of the beast. We do not all keep all of the records that we are supposed to. That is not to condone it, but it is the real world. $3.1 billion in checks written that we do not know why they were written, or we cannot prove why they are written, seems to be an area that we could make some improvements in.

If I may give one example, a personal example. My mom and dad are of an age that they are on Medicare. And my dad has got diabetes and needs a certain supply of things to handle and take care of his diabetes. The suppliers continue to overship that stuff to my mom and dad.

Well, my mother is just very diligent and Rambo about not accepting it and shipping it back, because, you know, she just keeps the regular 30-day supply of the supplies that my dad needs to take care of his diabetes.

Well, what is happening here is that these companies are gaming the system. Because when they ship it, then they get to bill Medicare for those products. That is just simply not fair.

So I will brag on my mom. She is out there in the hinterlands lands of west Texas, out in Odessa, Texas, trying to save and do her part to save taxpayer dollars so that legitimate Medicare expenses that ought to be paid get paid. And that as we try to work with the very daunting task of cutting spending in Federal Government this next year, starting with the budget process right now, and working through the appropriations process and the authorizing process, that we are looking at dollars that ought to go to programs. We are not looking at dollars that are being funneled into areas or into scams or overpayments.

As I mentioned, as a CPA and one who has signed the firm's name on audit papers before and audit reports,

we can do better. I do not pretend that we cannot. It is a tough job. Obviously the Federal Government is the single largest financial entity, I suspect, on Earth, the U.S. Federal Government.

And so keeping track of all of those dollars ought to be hard. It is hard, but that is no excuse for why it should not be done, why it should not be done to the same standards that we require the largest multinational corporations in our country to maintain their books, to be able to report to their shareholders what is going on, so that each year in October when we get the financial statements from the Federal Government we have got some confidence in those numbers, that we can then take that information and use the information to make public policy decisions that ought to be made.

Included in all of this effort of keeping the books correctly ought to be an ongoing vigilance to watch out for waste, fraud and abuse. Wasteful spending hurts, fraudulent spending is a crime, abusive spending is a crime. Those folks should go to jail. I know we have got some instances where that is happening. But the cost of not doing this means that legitimate recipients for all of those programs have the risk of not being able to get the money, because it has gone in a wasteful manner, or in a fraudulent manner or in an abusive manner, so that the taxpayers of this good country are overburdened to the extent that we do have waste, fraud and abuse within our system.

□ 1545

So I want to thank the gentlewoman for bringing this topic to the table today to let us have a chance to rant and rave about it, to talk to our fellow Members here in the House to try to help them with seeing how important it is as we go about this work to do that.

So I thank the gentlewoman for her bringing this topic up today and allowing me to speak.

Ms. FOXX. Mr. Speaker, I thank the gentleman from Texas (Mr. CONAWAY).

One of the wonderful things about having these programs and allowing different people to speak is that we get lots of different perspectives, and I think the Representative from Texas has brought us the perspective of a CPA, and I think that is an excellent perspective. We need more people with the kind of background that he has.

I want to say that I think we are extraordinarily fortunate to help us in putting a focus on this issue of waste, fraud, and abuse that we have the President having set the tone for us. He said in his State of the Union address a couple of weeks ago, the principle here is clear: taxpayer dollars must be spent wisely or not at all.

I think that that is absolutely the attitude that all of us must have at all levels of government, but particularly at the Federal Government level. We all have to remember that we are in the business of spending other people's money, and we have to be as careful with that as we are with spending our own money, even more so. We have to really work at making sure that the dollars are spent wisely; and, again, as my esteemed colleague said, we do not want waste, we do not want fraud, we do not want abuse because where Federal dollars are being spent on programs, we want them to go for much-needed services.

I want to, Mr. Speaker, yield to the gentleman from Louisiana (Mr. JINDAL), my esteemed colleague who is here to add his perspective on this issue.

Mr. JINDAL. Mr. Speaker, I thank the gentlewoman for the opportunity to speak on such an important topic.

We as Members of the House have several responsibilities. Perhaps one of the most important responsibilities is to be a good steward of the people's money. We have to approve the budget every year, but we need to remember that money comes from the hard-working taxpayers of this great country of ours, and so often I get frustrated when people act as if that money literally grows on trees rather than being paid into our Treasury by people that are struggling to balance their checkbooks, to pay their mortgages, to pay off their debts. We need to be more responsible. The philosophy should not be, if we can get it, then we should spend it. We need to be much more responsible than that.

I would like to share with my colleagues here just a few of the most glaring examples of the waste, fraud, and abuse in our Federal Government. Anybody who thinks that we need to raise taxes to get rid of a portion of our debt or deficit has not paid attention to all the waste that is currently happening in our Federal spending.

I will give my colleagues a few examples. First comes from the National Park Service, and maybe my colleagues have heard of this one before. They spent up to $800,000, that number is not incorrect, $800,000 on an individual outhouse. The Park Service spent $330,000 in design costs, and then they built this particular outhouse at the Delaware Water Gap National Recreational Area with imported wood and $20,000 cobblestone veneers, and that is despite the fact these toilets do not even work in the winter because the facility only has running water 6 months of this year. This is according to ABC News. Think about that. Hundreds of thousands of dollars for an outhouse that only works 6 months a year. No wonder taxpayers are outraged and they demand we do better.

A second example. The Women, Infants and Children program that is designed to serve low-income mothers and their children who are at nutritional risk. Some wonderful successes, and this program achieves some wonderful goals, especially in my home State of Louisiana.

However, the $5 billion program annually does no income verification of its participants. If we did one simple thing, if we simply made sure that those who get WIC are actually eligible for WIC, that the number of participants who have incomes exceeding eligibility levels were properly limited the way we do in the school lunch program, as many as 27 percent of the current participants may not be eligible. That is according to the Los Angeles Daily News. Twenty-seven percent of the participants in what is otherwise a good program may not be eligible if we just enforce our existing rules.

Another example. This comes from an Inspector General's report. The Department of Justice's Inspector General audits of the COPS grant program, again a program that has had some successes, identified more than $1 million in questioned costs and more than $3 million in funds that could have been put to better use.

Also from the same Inspector General at the Department of Justice, in the same year, found nearly $1 million in equipment purchased with grant funds was unavailable for use because the grantees did not properly distribute the equipment. They could not even locate it or had not been trained on how to operate it. That is $1 million of taxpayer dollars spent on equipment that might be needed to enforce laws and bring safety to our communities that is being wasted because they do not know where the equipment is or they have not trained their staff in how to use the equipment.

The Forest Service, another example again from the Inspector General. The Forest Service recently said they could not figure out why they spent $215 million out of a $3.4 billion operating budget, nor why the agency double-counted $45 million of income. They double-counted $45 million of income from other agencies. Think about that. If any of us did that in our private lives, in a business or in our checkbooks, we would probably not only be audited but may even be guilty of charges, and yet here we have our own government doing this, double-counting income, not knowing how they spent $215 million of our money.

I want to spend some time on Medicaid fraud. In 2002, a Wisconsin transportation company repaid $1.6 million to Medicaid for multiple round-trip billings for dead people and people in the hospital. Think about that. They repaid $1.6 million, had to repay that back because it was found out they were billing the Federal program for providing services to dead people.

In my own home State of Louisiana, I had the honor of serving as the Secretary of the Department of Health and

Hospitals; and back in 1996 and 1997, we were facing some fairly large budget challenges. As we tried to overcome those challenges, we discovered it was possible to cut hundreds of millions of dollars of spending, even while we improved the quality of health care.

Part of the way we did that was to weed out the rampant fraud and abuse, even though the vast majority of providers, those who needed it the most, a small number of people, abused that program, ended up wasting millions, if not billions, of dollars in Federal taxpayer money.

For example, we also had some challenges with nonemergency transportation providers. There used to be joke in Louisiana that it was sometimes hard to get a taxi because they would all become nonemergency transportation providers. There were reports of people being taken to shopping and other errands and the State and the Federal Government paying for this as if they were medical visits. We, too, had reports of agencies billing the Federal Government and the State government, providing services to dead patients.

We used to have another joke in our State about dead people voting and being accused of that happening in the past; and I used to say, I do not know if they are voting, but they are certainly getting health care services in our State and we are paying for it. We as taxpayers are paying for it.

We had instances where we had literally providers sending out vans to pick up children after school, and oftentimes they were reputed to have the parents or offer the children candy bars or cigarettes for the parents or maybe $5 to bring those children to these Medicaid mills where they bill again the State and the Federal Government for services they were not even being provided. They would literally run through dozens and dozens of children, billing thousands and thousands of dollars for services that were never rendered.

We had an audiologist that billed the State for services even though he did not own the equipment needed to provide those services. We had one hospital paid even after it had closed its doors, and we could go on and on about these instances of abuse, of waste, of fraud.

Perhaps two of the saddest things about that, and I am proud we did eliminate that, we did get rid of those abuses which saved hundreds of millions of dollars for the taxpayers, even as we improved the quality of health care.

Immunizations went up. Louisiana rankings went up. People got better quality health care. We gave senior citizens more control over health care choices, even as we controlled spending; but there were two lessons that I learned from that.

One, and unfortunately we were reminded of the fact, simply throwing money at the problem is not the solution. Louisiana went from the late 1980s a billion dollar Medicaid program to when we took over almost between a $4.5 billion Medicaid program, spent all of that additional money, almost 70 percent of which came from Federal taxpayers; and yet we still did not improve our health ranking substantially. I think what that proved is simply throwing Federal money at a problem without putting in the right safeguards and accountability, it does not improve the quality of life for the people we were elected to serve, but rather too often wastes taxpayer dollars.

So the first thing we must remember in this Chamber as we are responsible for appropriating the people's money, we are responsible for representing those that elected us here is we must keep a vigilant oversight over these Federal agencies, over these dollars being spent out of this Nation's Capitol, because there is too much of an opportunity for fraud, for waste, and for abuse.

The second lesson that we learned that we also were reminded of was too often there are those that have the attitude that, well, I am simply spending somebody else's money, why are you worried about this. We confronted a provider who had been guilty of cheating the program, admitted he was cheating the program, and he simply said, everybody else was doing it, I thought I should do it as well. I cannot think of a sadder commentary when you think of the real genuine needs we have in this country, the people that truly need help in their health care, when you think of the needs we have to continue to cut people's taxes.

We as an American people pay too much in taxes as it is, and here you have people whose attitude sometimes seems to be, well, that is somebody else's money, as if Federal money grew on trees, as if their taxes were not supporting these Federal programs.

So I congratulate and I thank the gentlewoman for giving us this opportunity to come here and shine a spotlight on the abuses rampant in so many of our Federal programs, to give us an opportunity to remind this Chamber, to remind my colleagues of the importance of eliminating fraud, waste, and abuse.

When we have serious challenges facing our country, when we have the obligation to provide body armor and supplies to our brave men and women in uniform who are defending our freedoms overseas, we have an obligation to strengthen Social Security so that our parents, our grandparents, and our children will all be able to benefit from this program in their retirement age.

When we have got challenges with the number of uninsured in this country, we cannot afford to be wasting billions of dollars of taxpayers' money. It is not right, and it is something that we must put an end to.

I want to thank again the gentlewoman for giving me this opportunity to shine the spotlight on what needs to be done.

Ms. FOXX. Mr. Speaker, I thank the gentleman very much.

I think that comments from the other two speakers are a perfect segue into our presenting some information on how individual citizens can report fraud and abuse to us. Both the Committee on the Budget and the Committee on Government Reform, on which I serve, have worked hard to try to identify fraud and abuse and inefficiencies, and I want to put up this information to show people that if you know of a situation where you know there is waste or abuse or fraud, that you will get in touch.

You can get in touch, of course, with your own personal Representative or Senator, but you can also get in touch directly to the Committee on the Budget, wasteful spending, and there is an address here. The phone number may be a little bit hard to remember. It is (202) 226–9844. If you wanted to get in touch with me, and guarantee that something would be done or someone would follow up on it, my number is (202) 225–2071. This is an issue about which I feel very, very strongly and always follow up on.

I have a letter here that I received recently that I have passed along to the people in the State of North Carolina because of the concern, and this is the kind of thing that we have to stop because all of us are paying for this.

The letter says, I am a citizen of Greensboro, North Carolina, and something has come to my attention I just have to make you all aware of. I have been watching a case of Medicaid fraud for over a year now, and it has only gotten worse. I have called all kinds of fraud lines in North Carolina, and no one seems to care or know who to direct me to. So I have come to you.

What I did was I passed this along to the appropriate people in North Carolina. I do not have answers on it yet, but this is an example of really egregious fraud, and I am sure there are lots of other examples, and my hope is that people watching us today will talk with their friends and let us know if there are other situations like these.

There is this woman that is a certified nursing assistant that is supposed to be going into this home to give care to a 70-year-old woman. The CNA comes in for only 10 minutes, sometimes 30 minutes at the most, and goes to the ABC store for this woman and leaves.

□ 1600

Sometimes she just goes inside and comes right back out.

The woman works for an agency that knows she is doing this, because at one

time there was a complaint by a family member. The problem is that the State of North Carolina is paying her for services rendered in the amount of 4 hours daily at $9 an hour. This has been going on for over a year and it has gotten even worse because, as of last year, the husband now is on Medicaid and he is now receiving these same services. Now the hours have doubled but the care has not changed.

''The CNA is not caring for the husband and wife, only going to the ABC store. Sometimes she takes him to the grocery store. They only call the CNA when they want to go to the ABC store. I think this is an expensive way for the taxpayers to have to pay for taxi services, because that is all she does. She comes out of the house, laughing, after being inside only 10 minutes. She is laughing all the way to the bank at our expense.

''Please look into this situation very carefully because there's a possibility that this CNA may have added another Medicaid person to her pay. The agency that she works for is very much aware of this but they have done nothing about it. She has brought in three cases, and one of them has dropped because of the attention it was bringing.

''This needs to be stopped and very soon. We've paid these people enough money for nothing. The couple that is receiving these services are in their right mind and know this is fraud because I have told them this and they continue to sign time sheets, false records.''

And then she goes on to give the names of the people receiving the services, and she also says that she has been threatened for doing this. She has also given the information to newspapers in Greensboro and Winston-Salem, but they have done nothing about it. ''It is so crazy for dollars to be wasted and every year taxes go up.''

So I want that individual to know that I have passed this along to the proper agencies in North Carolina and I am expecting them to look into the case and make sure that we stop this waste of money.

Now, I want to go back to talking a little bit about what our committees are doing here in the Congress to deal with this. I commend the efforts of the gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget, and the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform, for the commitment they have made to eliminating waste and reducing the budget.

The gentleman from Iowa (Mr. NUSSLE), as chairman of the House Committee on the Budget, spearheaded the effort to eliminate waste, fraud and abuse during the last Congress and made great strides in identifying and eliminating such spending. He pledged to find and eliminate one penny out of every dollar.

Now, that may not sound like a lot, but it soon adds up. His commitment to deficit reduction should be applauded, and this is one of the mechanisms that the Committee on the Budget came up with, is to establish this abuse line and abuse office so that people could report it and have something done with it.

The gentleman from Virginia (Mr. TOM DAVIS), as chairman of the Committee on Government Reform, also reminds us that the answer to the deficit problem is not to merely cut off fingers and toes, but what the Federal Government has to do is trim the fat. We have to, just like our constituents have done, tighten our belts and control the amount of spending so that we can reduce and ultimately eliminate the deficit. We must eradicate duplicative programs and hold government agencies accountable for their spending practices.

This is something I am very proud that Republicans are emphasizing more and more, and that is to hold the programs accountable. As I said earlier, the President has said that if we are going to spend a dollar, it has to be spent well.

I want to talk a little more about some of the differences between the Democrats and the Republicans and their attitudes toward holding down spending, but I would like to recognize my colleague, another one of my colleagues from the State of Texas, for him to make some comments about this very important issue.

Mr. Speaker, I now yield the floor to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I want to thank the gentlewoman from North Carolina for yielding to me. She is a dear friend, and I am glad to count her as a friend. I appreciate this opportunity.

As we know, there are many areas in which there is plenty of waste, fraud and abuse. We can look around and see it for ourselves. One of the things I have felt more and more strongly about that I would not mind seeing is a moratorium on Federal building and leasing here in Washington. Because the more that gets built in Washington, the more that gets leased in Washington, the more bureaucrats it means back in our States, the more bureaucrats back in our State capitals, and then more bureaucrats have to be in our local districts. That is something I would sure like to work on.

Now, having been a district judge and a chief justice of the court of appeals, I am also quite familiar with other types of waste. I do think it is a waste and an abuse when we have three separate branches of government and one branch decides to take the obligations of the other two branches and begins to legislate as well as usurping some executive functions.

We have had courts that took on the management of different things. We have heard testimony about a court that is trying to manage, and it has been going on for, I guess 9 years, with regard to the Native Americans' money, and it is in litigation right now. Courts have an obligation to get cases to trial, to come to judicial conclusions. They do not have the right nor the obligation, for sure, to begin legislating or taking on the executive function of managing. We have seen far too much of that.

Now, we have passed today in the House class action reform. Hopefully that will make a difference in some of the abuse that has occurred in some types of class actions. There has to be a remedy for people who are wronged. There has to be the availability of the class action in order to remedy some wrongs. But for those cases in which it has gotten out of hand, I am proud we have been able to pass some legislation to move toward curbing that abuse.

Another thought has occurred to me. I know personally that we have courts that need help. They are overworked. We have had the President renominate 12 candidates for the judicial bench in the Federal system. One of my friends and classmates from Baylor Law School, Priscilla Owen, was nominated May 9 of 2001. She was abused to the extent that she is going on 4 years now without having an up-or-down vote, as the law requires.

There were a number of other judges who were nominated in 2001. It is an abuse and a failure to comply with the oaths that were taken to vote up or down on these people. Give them a vote. Their life is in limbo. It is a pure abuse. And it has left courts unmanned. They need the help.

So one of the thoughts I had, and I do not know that I have ever really talked to my colleague about this, but one of my thoughts is, where we find that there are courts, say for example the Ninth Circuit, who begin legislating from the bench, obviously they have got too much time on their hands. We have courts that just cannot get to their backlogs. They need help.

My thought is that it would help the system, help curb the waste and abuse, if those areas where they have too much time on their hands, that we take some of their funding, take some of their personnel, take some of their benches and put them over in area where they do not have time to legislate; where they are strictly a judicial body. Because they need all the help they can to take care of their caseload. Let us move some of those people that had the free time to start legislating and started managing functions of other groups and let us get their benches, their assets, over in areas where they need the help. I think that would curb things greatly.

I am also cosponsoring a bill. We have heard where some Federal funds,

Medicare, may be used to buy Viagra for folks. Well, that has gotten a rise out of people here in Washington. That is something we need to address. Federal funds should not be for pleasure purposes. It is to help people that really need help. So I am looking forward to us curbing that bit of waste and abuse.

Mr. Speaker, I appreciate the opportunity to address a couple of these issues, and I appreciate the gentlewoman's yielding some of her time. I think that some of the judicial waste and abuse that has occurred should be curbed because there are some really, really, fine Federal judges. They need help. We need to get them help and we need to cut out the waste in those courts that have abused their situations.

Ms. FOXX. Mr. Speaker, I thank my colleague for his comments.

As I said earlier, one of the nice things about having these events is that we get different perspectives from different legislators and from different parts of the country.

I think that Republicans feel very, very strongly about what the President has said, that we must spend taxpayers' dollars wisely or not at all. I have asked the pages to put these charts up here again, and we will do it right at the end of this hour once more, so that we can make sure people know that there is a place they can write, there is a place they can call to report abuse, fraud and inefficiency, and that we will look into those.

I think Republicans are very much committed to this principle. But, unfortunately, we are having to overcome an attitude that has been in existence for a long time in this country relative to the spending of Federal dollars. The other day in a meeting of the Committee on Education and the Workforce, I was struck by a comment that one of my Democratic colleagues made. As a freshman, I had decided I was not going to make very many comments. But this comment just struck such a nerve with me that I had to speak up. He said that we were not spending enough money on counseling for people who were out of work in New York City and that he wanted us to spend $750 million more on a program. He called that a paltry sum of money.

Paltry means a very, very small amount. Insignificant. As I said, I had not intended to say anything, but that struck such a nerve with me, because I know that the American people think that $750 million is not a paltry sum of money. As one of our predecessors in the Senate said some time ago, ''A million here, a million there, and pretty soon you're talking about real money.''

So we have to adopt the attitude that even a dollar is real money. And when we have people who speak in a committee and say that $750 million is a paltry sum of money, their way of thinking is quite different from mine and I think from the majority of the Republicans in this House, and I am glad to report that.

I know that we have some other Members that are going to speak on this issue, and I want to recognize another colleague, who has a very famous name, the gentleman from the great State of Kentucky (Mr. DAVIS), to offer his comments at this time.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentlewoman for yielding to me.

I believe that our founders would stand aghast if they saw the size and the reach of the Federal Government and how it has grown over two centuries. Certainly times have changed, but the cost of government continues to rise. Archaic processes, lax accountability and a lack of connectivity, and often competing agendas on top of that, consume more and more dollars and waste untold billions of hard-earned taxpayer dollars.

My colleagues have shared horror stories of how these dollars have been wasted, but this afternoon I would like to offer a prescription for reform. The solution is not simply removing regulations, it is not simply identifying programs where we feel pain or see pain, it is, rather, we need to change as a government, as a people, and as regulatory agencies, how we think about the spending of this money, how these processes are run and, ultimately, how the citizens of the United States are best served.

□ 1615

King Solomon said in the Bible that there is nothing new under the sun. Successful businesses, successful service organizations have applied principles for decades that have cut billions and billions in waste. They have improved our ability to compete internationally and made many of our businesses and aid organizations the envy of the world for efficiency and for effectiveness. I might add that these are in the private sector.

I think there are several steps that need to be understood, four key ones in bringing about any rational change to our government. They are simply this: we need to identify, we need to simplify, we need to accelerate, and we need to automate.

To identify means simply that we need to get to reality. We need to understand where these problems are before we can make a decision about what to fix or what to change. As we have seen so many times here in Washington, knee-jerk legislation is often the reaction to a symptom rather than the root cause of our problems. Instead of helping people, it often creates problems that hurt the very ones who are intended to be helped. I believe that the old saying, ''The greatest source of inspiration is desperation,'' needs to be applied in our institutions. We need to get beyond what we think the governing process is, how we think our agencies work and understand how they really work, see what reality is and see those opportunities to take steps out of the process, time out of the process, and resources out of the process. In the end, what it will do is bring about great benefit when we get to that reality.

That means simplifying. Over and over again it has been shown that if we challenge the way we think, if we challenge our assumptions, we can assure, Mr. Speaker, that we are going to spend the people's money more wisely and ultimately can increase service, increase the breadth of service and reduce costs. Our Armed Forces have shown that in the transformation they are undergoing where they are massively multiplying combat power, but keeping the size of the active military the same.

The Navy has shown with its carrier task force that it can actually take a carrier task force out of operation and actually increase the ability to project combat power into a theater of operations.

These principles applied there, applied in business, need to be applied to our agencies that are serving our citizens as well.

Once we identify those improvements, we can accelerate them. Change will speed up. We have seen it applied in the medical arena; we have seen it applied in factories, where processes that took days and weeks can be reduced literally to hours or minutes. It gives back flexibility, it reduces the cost and the overhead that is necessary to serve people, and ultimately provides a better return to the taxpayer.

Finally, once we have achieved that, it is time to automate. So many times, we have spent billions of dollars on projects, system integrations in the government that have failed, that have never been implemented because people never challenge their basic assumptions of why they were doing what they were doing, and they automated inefficient and ineffective processes.

All that did to the agencies was allow them to commit error and increase waste more efficiently, which is an ironic contradiction. We have agencies that do not communicate. In the Immigration and Naturalization Service, for example, nearly 20 information systems do not communicate with each other on the tracking of aliens. This is unbelievable in an age of connectivity when international organizations have real-time information around the world. Major retail distributors can take the purchase of one single item on the other side of the world and have it documented in their system within seconds of that transaction taking place at a cash register.

Likewise, we need to bring about a greater level of connectivity to reduce

waste. Another benefit that would come from that is increased security as our agencies are able to share information more effectively. It also reduces error that causes increased costs and also increased anxiety and burden on American citizens who are depending on government services for their lives. I think that in the end we want to increase our capacity to serve our citizens without increasing the amount of money that is being spent. Adding more money will simply add more problems in the long run because we are not dealing with the root causes, Mr. Speaker.

For example, 9 percent of the food stamp allocations or spending on food stamps are incorrect payments. Fundamentally, that is nearly $3 billion in wasted taxpayer dollars. By having some simple improvement to the process with real-time information systems, off the shelf, used today in the commercial world, we could give that $3 billion back to the taxpayers whose money it is.

We also speed up the turnaround. In our district as we have inherited a great deal of Social Security claims, there is a great need and a necessity to help our senior citizens, to effectively keep our promise to them. They do not need to be standing in line or waiting for weeks or months for casework to be completed. Using state-of-the-art technology not only would we save the taxpayer money but we could serve them effectively and nearly immediately.

In closing, nothing is going to change until we learn to see the ground differently. We need to observe opportunities and zero in on them, orient on the thousands and thousands of small opportunities in government to bring about improvement and change. We need to decide that we are going to exercise the will that is necessary to bring about that improvement, and then we need to act energetically, persistently, and patiently. To do otherwise assures one thing, Mr. Speaker, that is, that this problem will grow, that Federal spending will continue to grow, that the waste will continue to grow and eventually strangle the United States Government.

If I were working in my former profession, helping manufacturing companies to compete, I would say that the United States Government, my client now, is sick and is filled with waste that can be taken away with simple principles applied to return to healthy agencies, healthy fiscal status, and ultimately to strengthen our agencies and our ability to serve our citizens in the long run. Little by little, we can see the same kind of effective transformation that our military has gone through, that is coming out of the Cold War era. There is nothing new here, simply applying proven principles that other institutions have applied successfully for decades.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Ms. FOXX. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding. I have to say after listening to the gentleman there in that strong condemnation of the current state of the American Government, the Republican Party has been in control of the Presidency, the executive branch and both Houses of Congress for more than 4 years, and yet the gentleman and others have talked in a very condemnatory tone. Are you not being a little hard on yourselves? If, in fact, things are still so bad, what has the Republican Party been doing for the 4 years in which it has been in complete control of the government, not to mention seven of the nine Supreme Court Justices appointed by Republican Presidents?

Ms. FOXX. Let me respond to the gentleman from Massachusetts. The Republicans have worked very hard always at reducing waste, fraud, and abuse at all levels of government. I will give you an example of something that I did. I have only been here for about 6 weeks, but I can tell you that I am already working on looking for ways to reduce spending in the Federal Government, and I can assure you that all Members of the freshmen class are doing that. As people point out to us over and over and over again, one of the great things about having new people come into government is that you bring in new ideas and fresh ideas and that you work at trying to get these accomplished.

I think that our colleagues who came before us and especially as they have been in charge have shown ways to cut spending and they have done that. We have reduced the Federal deficit last year. We have not cut spending because there has been so much demand for spending. We have a war to fight. The money that is being spent on the war is appropriately being spent, but we are having to overcome 40 years of profligate spending, and we are working very hard to reduce again the waste and inefficiencies in government.

I can assure you that there will be no let-up. As I said, I think that the President has set the tone for this and I think that you are going to see, particularly in this session of Congress, us working hard at making sure that we live up to what the President has said, that we are not going to spend a dime or a dollar of the taxpayers' money unless we can spend it wisely.

Let me give you an example of something that I was able to accomplish and how I challenged my colleagues in the State of North Carolina on my last speech that I made in the North Carolina Senate. I had been contacted by a family and this is a Democratically controlled State, by the way, both at the gubernatorial level and at the legislative level. This family contacted me and said this lady's husband who had retired from the Department of Transportation had passed away. The month he passed away, they got his check. They notified the retirement system. They said, go ahead and cash the check and we will make sure that we show her as the beneficiary. She did not get a check the next month. She did not get a check the next month. She did not get a check the next month. She inquired as to why. Well, she needed to fill out a form. She filled out a form and sent it in, did not get her check, contacted the people, they said, well, you filled out the form wrong, you have to fill it out another way.

They called me on a Sunday afternoon. On a Monday morning, I contacted the retirement system and I said, I want to know why this lady has gone for 4 months and not been able to get her check. They said, we will look into it, and we will get back in touch with you. So by Friday, they got back in touch with me and they said, she will be getting her check at the end of this month. I said, you know, that is not good enough. It is not good enough that you are solving this one problem for this person. What I want to know is, why is the system broken? Tell me what is wrong with your system that would allow this to happen. They promised they would look into it.

About 3 weeks later, I had a visit from the head of the retirement system. Actually, he wrote me a letter and then came by to see me and he said, I am so glad that you brought this to my attention. I did not know this, but we have a system whereby three different people had to approve this lady filling out a new form. This is a system already set. She is due the money. She is not asking for something she is not due. She is the inheritor of her husband's retirement. So she is due the money. But in that system there, in the State government, controlled by the Democrats, they had three different people who had to approve something that did not need to be approved at all. By my bringing this to his attention, he changed the system to show that it would not have to be done that way.

I challenged my colleagues in the North Carolina Senate, anytime that someone came to them and complained, to follow the complaint to its source and to make sure that if there was a systemic problem that they changed the system. And I said to them, if all 50 of you once a year could go to the source of the problem and change the system, we pretty soon would be cutting out lots of useless positions, because we cut out, in effect, two positions or the handling by two people of that paperwork.

So what we have to be doing is going into every single system and making

sure that we go to the heart of the matter and we solve the problems at the heart of the matter. That, I think, is the way we are going to do that. And I think that you are going to see a renewed effort in this session of the Congress to go to the heart of the matter and make sure that we are solving the waste, fraud, and abuse. We are encouraging citizens to get in touch with us, let us know where there is waste, where there is fraud, where there is abuse, and we ourselves, and I would challenge you and every other Member of the Congress to do the same thing. If you have a constituent who has run into a problem with the Federal Government because they did not get something taken care of at the right time, let us look at that and see where there is waste in systems.

But if you have somebody who tells you that there is waste and fraud, let us go to the heart of that matter and prosecute those people for doing things that are wrong, whether it is on the part of a citizen or whether it is on the part of a Federal official. I think that that is something we all have to do. We take an oath to uphold the Constitution, and I think a part of that is to do everything that we can to promote the principles that we were elected to promote and that is a part of our responsibility.

Mr. DAVIS of Kentucky. If the gentlewoman will yield further, in response to the distinguished gentleman from Massachusetts, the distinguished gentleman has a long and illustrious career of leadership advancing the values of his party. He is widely respected nationally and certainly in his home State. We have seen ample evidence of that expansion of government service to serve his constituents. I respect the gentleman's contributions to this body and its history.

Yet at the same time, I think that it is important that we set aside partisan rancor. This is not a Democratic problem or a Republican problem. This is an American problem. It is important that bureaucratic agendas be put aside, that party agendas, partisanship and rancor simply moving for control over debate and taking away that time for necessary dialogue be brought into the context of what the American people sent us here to do.

I believe that it is important in the remainder of the time that we have before the gentleman speaks that we look at the problems that are being faced today. As you so effectively pointed out in those examples, our citizens on the street have seen over and over again examples of waste, examples of fraud, examples of abuse.

□ 1630

Much of the waste, the majority of that waste, is not ill-intended. We have thousands and thousands of very dedicated civil servants. I have met very few in my entire career of public service, whether in the military or in government, who were not dedicated and committed and worked very hard. Rather, the issue that I was addressing, which the gentleman missed, was the issue of process, processes that have grown up, processes that are not connected, processes that do not communicate effectively. These are not partisan issues. These are simple issues of accelerating the ability to make decisions more effectively and to reduce costs.

I thank the gentlewoman from Colorado for yielding to me.

Ms. FOXX. Mr. Speaker, I appreciate his pointing that out again. That obviously was something that I was trying very hard to point out, was the fact that we are trying to improve the systems, improve the processes. And I want to thank the gentleman from Kentucky for pointing out the fact that most of the employees of the Federal Government, indeed the States and local governments, are very dedicated people who want very much to do their jobs well, and that sometimes what we need to do is lead them in the direction of doing things better than we have been doing them. I know very often we lapse into a way of doing something that may not be the best way of doing it and it just continues that way because nobody has suggested doing it differently.

I think one of the great things that we could do in this Congress and in future Congresses is to go to our employees and ask them to make suggestions on ways that we could save money in the Federal Government and make it operate more efficiently, and I thank the gentleman from Kentucky for reminding me that that is something that we obviously ought to be talking about.

We not only want the citizens of this country to help us figure out ways to make the government operate more efficiently and effectively, but there is nobody better qualified to do that than the great employees that we have, because they are there on the front line every day and they understand what needs to be done and how we could do things differently. So I think that if we do have employees who could make suggestions on how we could do this better that we should do it.

I want to point out again that we have places that people can write and call to let us know how they think that we can do things better, especially in the area of waste, fraud, and abuse, and I hope that they will take note of these places and be in touch with us.

PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. FRANK) is recognized for 60 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, before I proceed with the subject of my own Special Order, I want to continue the discussion I tried to have and it became kind of one-sided when I was not recognized to continue it.

The gentleman from Kentucky particularly interested me because he objected to my introducing a note of partisanship. But I did not. It was the gentlewoman who had the floor who talked about the Republican way of doing things. When they were talking about it and boasting about the extent to which they were going to end these wasteful practices, they talked about it as a Republican proposal. When I asked why the Republican Party had allowed this apparently to happen for 4 years, suddenly nonpartisanship popped up.

The fact is that the gentlewoman's premise was repeatedly, explicitly, there is a different Republican way. The fact is that the Republican Party has controlled the entire Federal Government since 2001. The gentlewoman said, what about 40 prior years that they had to deal with? I think she is being a little hard on Ronald Reagan. Ronald Reagan, of course, was President for 8 of those years. He never vetoed a spending bill; so apparently he thought the spending levels were appropriate. And it was not just Ronald Reagan, but for 6 of his 8 years, the United States Senate was Republican. Then we had 4 years of George Bush, the father of the current President. So we come back to this: The Republican Party has had very strong control of the entire Federal Government for 4 years and apparently it is still ridden with waste, riddled with abuse, and bloated, because we have these Republicans who just spoke, boasting about how they will change it.

The gentleman from North Carolina did give us a very interesting history of an incident he was involved in in North Carolina. I now know more about that particular aspect of North Carolina than I had ever expected to, but I do not understand how that in any way explains why after 4 years of Republican control of the White House and the Congress, members of the Republican Party come here to denounce this bloated Federal Government, over which their party has presided over for 4 years and promise to make it better in the future.

I now want to turn to one of the important subjects now facing us, and it is good news. I know people do not often come down here to talk about good news, Mr. Speaker, but I am very optimistic about the Middle East. We have an excellent chance, I believe, if we all work constructively, to end one of the conflicts that has caused considerable anguish and misery and the loss of human life, and that is if we are all constructive, there is a chance. I guess ''optimistic'' was too optimistic, but I feel better about this prospect than I

have in a long time, namely of there being within reach of an agreement between Israel and the Arab world, particularly the Palestinians, that can lead to peace. I want to talk a little bit about that.

Particularly I want to talk about what those of us not directly involved can do, or, more clearly, as I will point out, what we can refrain from doing. Peace will have to be made by the Israelis and the Palestinians themselves.

Two developments recently have made that possible. One, the death of Yasser Arafat. Those of us who have long believed that Yasser Arafat was an obstacle to peace and, in fact, the enemy of the best interests of the people he represented, I think that has been vindicated. People have debated back and forth Arafat's role. I think the fact that we are in one of the best moments we have been in in the history of that troubled area is because, not since, but because of his death. That speaks to the historical record. And I join with people in the Israeli Government in their willingness to recognize the courage and commitment of the President now of the Palestinian Authority, of Mahmoud Abbas, and I share the view that a major difference is that he has succeeded Yasser Arafat.

The other major change has been the evolution of the views of the Prime Minister of Israel, Ariel Sharon. I should say at the outset, if I were an Israeli citizen, I would not vote for Ariel Sharon. I do not think that is too harsh. If Ariel Sharon lived in Massachusetts, I do not think he would vote for me. What we have, however, is a man whose views, from my standpoint, are further to the right than I would like, but who has done an extraordinarily courageous thing in recognizing a central truth, central to the survival in its best form of his own country, central to the prosperity and quality of life of his own country, even though recognizing that truth contradicted some of his own past political history and in particular many in his own party.

We who are in politics like to talk about how courageous we are when we stand up to our enemies. People boast about the fact that I defied them, I stood up to them. I remember the great book by A.J. Liebling, the Earl of Louisiana. He noted how fiercely Earl Long repudiated the support of the Communist Party and of the NAACP at times when neither one of them was, of course, interested in supporting him, when they were both unpopular, though with widely different justifications, it seems to me.

Standing up to one's enemies is not only easy for most of us in politics, and, frankly, it is certainly true in America, standing up in politics is generally the best way to raise money. People are always praising their own courage by standing up to people who have been opposed to them in fundraising letters. The hard thing in politics is to stand up to one's friends. The hard thing in politics is to tell people whose values they share, whose traditions they come from, the people who are aligned with them on most issues, the hard thing is to say to them on this I think they are wrong, in this I think in our own best interest we have to rethink it.

And Ariel Sharon has done it, and he has done it, along with others. The number two man in the government, the former mayor of Jerusalem, Ehud Olmert, deserves a lot of credit for this, for articulating this.

And here is the central truth that they have articulated, which is that for Israel to be a Jewish democratic state, it cannot continue to preside over millions of Palestinians who live in Gaza and in the entire West Bank. If Israel continues to be the ruler over lands in which so many millions of Palestinians live, because there is also a significant number of Palestinians within Israel, then Israel has two choices: Either indefinitely it does not allow them to participate politically, in which case its own democracy will be jeopardized; or it allows them to vote and it will not continue to be a Jewish state because it will not be the Jewish majority they need. They do not need a majority only. They need a large enough majority so that divisions within the Jewish population are not going to be fodder for a very large minority.

And let me just address now those who have begun to say, wait a minute, we should not have a Jewish state. Let us have a binational state. People who argue against a religious state, when we are talking about Israel being a Jewish state, do not have a great deal of credibility when they see no problem with the existence of a number of very strict Islamic states.

How can we accept the existence of the theocracy of Saudi Arabia and then object to a Jewish state in Israel? Ideally, I suppose, there are people who could argue that no state should be a religious state, but I do not know anyone in the world who consistently holds that position. Certainly in the Middle East, a large number of the states are religious states. They are Islamic states. Iraq, the predominant party of the last Iraq election, which we consider to be a great triumph of democracy, they are committed to an Islamic state. There is debate about how strictly they will hold to it.

So objecting to Israel being a Jewish state, especially given the history of the Holocaust, given the lack of a place to which Jews could go when their lives were at risk, to quibble about Israel being a Jewish state, when we do not at all object to the proliferation of Arab states, clearly is not a morally coherent position. It can be disregarded.

So it is valid for Israel to be a Jewish democratic state, and to do that it must not rule over millions of Palestinians, or at least it should try hard to avoid it. Because I should say while I hope very much that we get a solution in which Israel withdraws from all of Gaza and most of the West Bank, I think it is reasonable for Israel to continue to have some of the places, an expanded Jerusalem, with some exchanges of territory that work that out. I think that is the goal.

I should add that as I look at this historically, I do not blame Israel for the fact that it has been in occupation of those areas. Indeed, if the Arabs had in 1948 accepted the U.N. resolution, there would today be an Israel much smaller even than the pre-1967 Israel. And if before 1967 the Arab states had not engaged in their warfare against Israel, the 1967 war would not have produced the expansion of Israel.

Indeed, if the Arab states really, genuinely, sincerely, had wanted from the outset a nation known as Palestine occupying the lands of Gaza and the West Bank, they could have created one. Gaza was controlled by Egypt and the West Bank by Jordan until 1967. They could have created such a state. Israel might have been angry. Certainly early on in the years, Israel would not have been able to do anything about it and probably would have been restrained by others from trying if they had been so inclined. So I do believe that the occupation was provoked.

Having said that, I have been some critical of some aspects of it. I do not think that the Israelis have always in the course of the occupation been as respectful of their own traditions and values as they should be.

Let me deal here with the notion that says, well, wait a minute, if one is criticizing Israel, somehow that must mean they do not support the country. We should be very clear. Criticism of specific policies of any Israeli Government, at any given time, in no way implies that someone is anti-Israel, much less anti-Semitic. Indeed, if people want to hear at any given time, vigorous, even virulent criticisms of the Israeli Government in power, go to the Knesset, go to Israel. There is certainly nothing remotely anti-Israel about being critical, any more than my saying that I deplore the Iraq War and I feel every day that I was right to vote against it. I do not think that makes me anti-American. And I do not think it makes me anti-Israel to say that some aspects of the occupation were wrong. It is, in fact, an argument against the continued occupation that it is almost impossible for one nation physically to occupy another group of people and be fully respectful of human rights. One does not send young people into these kinds of difficult situations or middle-aged people, for that matter,

and put them in situations where their lives are at risk and their safety is endangered and have them act as if they were all members in good standing of the Civil Liberties Union or the equivalent Israeli organizations.

□ 1645

But the point is central. It is important for Israel to try very hard to withdraw. And it does now seem that you have, in Abbas and Sharon, leaders who are prepared to do that. Each dealing with dissidents, the dissidents that Abbas has to deal with, seem to me far worse in many ways than those Sharon has to deal with. I do not mean to equate Hamas and the conservative element in the Israeli Knesset, but both leaders have got to be willing to meet with each other and negotiate with each other while dealing with some of their own more extreme followers.

The question then is, what should the rest of us do about it? And one of the things that we can do is to refrain from causing harm. This means that the Arab leadership, the Egyptians and the Saudis in particular, because the Jordanians have been more constructive, and hopefully the Syrians, but that is probably a hope too far, that they will do everything that they can to restrain those elements within the Palestinian community who believe that murder is still a good idea, and who in fact want to engage in violence precisely because they do not want to see a solution which would have an Israel and a Palestine side by side.

And let us be clear. There will be people, particularly in the Palestine area, who will try to undermine this, who will try to, by murdering others, stop this. They must not be allowed to succeed. This will call upon the Israelis for some restraint.

Understanding that there are murderers who will kill, because they want to kill individuals as a part of killing the peace process, means that you cannot let them succeed, and that allowing their violence which will undoubtedly, unfortunately, succeed to some extent, allowing that to derail the peace process gives them a greater victory than even the one they get if they are able to kill some innocent people. That has to be resisted.

But the Arab world has got to be fully supportive of Abbas and help prevent what goes on in the area of terror. And this will be particularly a challenge with regard to Syria.

Another thing people can do, and this leads me, the mention of Syria leads me to this, people can stop the unfair demonization of Israel. I have said I think the Israeli occupation ought to end. I agree that in the course of the occupation, Israeli personnel have done things they should not do. That happens, I think they have not always been as tough as they should be in preventing it.

But the Israeli occupation of Gaza and the West Bank does not seem to me to be the worst occupation by far in the Middle East. The occupation that is enduring, far less justified, and apparently open ended, is the occupation of Lebanon by Syria.

Remember what happened? Lebanon was, outside of Israel, the only nation in the Middle East that qualified as a democracy. And it was a multi-religious democracy. It was a democracy in which Christian and various Islamic sects coexisted. And then the PLO was expelled from Jordan. And the PLO was not welcome in any Arab country. So they went to Lebanon, because only Lebanon, a thriving, commercial democratic society, was too weak to keep them out.

And so first the PLO come into Lebanon, and that caused great turmoil in Lebanon, and then Syria used that as an excuse to take it over. We recently saw the murder of a Lebanese patriot who was a critic of Syrian domination, and we do not know who did it. But I have no reason to disagree with the apparent view of our administration that Syrians are the likeliest culprits in this murder, and certainly Syria has throttled the one democracy that existed in the Arab world, and Syria continues to be a destabilizing force.

So one of the things that we have to do if we are to get this peace is to put pressure on, and this is something that the other Arab states have to take the lead in doing, to restrain Syria from encouraging the murderers.

Similarly, our European allies have been working with Iran, and yet they are trying to restrain Iran from nuclear activity. But Iran must also be restrained, if they can do this at all, from financing the terror or Hezbollah and the murders of Israelis. And this means that the Europeans ought to stop the unfair and excessive demonization of Israel.

I am critical of some things that Israel has done. I thought the recent decision by Natan Sharansky, a man who was a great hero himself in his own light, a decision to say that Arabs who could not get to their land in Jerusalem should lose that land, when the reason they could not get to the land was that they were physically prevented by Israel for doing that; that was a terrible thing.

I was glad that the Attorney General overruled that. It is a credit to the Israeli legal system that there have been a number of occasions when unfair denials of the human rights of Arabs in the greater Jerusalem area were denied by policies, and frequently they have been reversed. So I think that is legitimate to be critical of that.

But people go beyond that. I am a man of the left in American politics, I think to some extent in the world. And by every value that motivates me to be in politics, the Nation of Israel is by far the superior nation in the Middle East. There is no value by which those of us on the left measure societies and governments where Israel does not far exceed any of its neighbors.

If you are an Arab, and you wish in the Middle East to be bitterly critical of the government which presides over you, you are probably better off living in Israel than in Egypt, Syria, Jordan or Saudi Arabia.

I should note one other thing which a whole lot of people do not want me to talk about. But one of the things the Nation of Israel does is to offer refuge to gay Palestinians who face severe oppression and who fear death if they stay in the Palestine Authority once they have acknowledged being gay. And the Nation of Israel, true to its traditions, true to its own experience of the lack of a haven for an oppressed people, provides a refuge for some of those gay Palestinians.

I am critical of some aspects of religious domination in Israel. But by no standard does Israel fall anywhere but number one in all of those categories.

So when people on the left condemn Israel and leave out of the account the fact that it is democratic, not just democratic, there is one aspect of Israeli society which I think all defenders of civil liberty and freedom ought to be particularly grateful. Israel, through no fault of its own through 1948 on, throughout its entire existence, has been under assault. It has been assailed by enemies.

Despite living in that difficult situation, it has remained a vibrant democracy. Those who believe that democracy is somehow a luxury for the prosperous and the secure have to cope with the example of Israel; Israel, a country which has been a vigorous and vibrant democracy in the face of these assaults.

By the way, just to revert to an earlier topic, Israel is also a country in which gay men and lesbians are allowed openly to serve in the military. Now, I know some who defend our terribly unfair and inefficient policy of kicking gay men and lesbians out of the military and not letting brave and able young men and women serve our country. They say, well, if you allow these people in there, it would somehow undermine morale. And we say, ''Well, other militaries don't do that.'' They say, ''Well, yeah, but what are you talking about, these other militaries?'' They kind of dismiss these other militaries as not being really combat forces.

No one denies, I think, that the Israeli defense forces are as effective a military fighting force as exists in the world. They have had to be. And the fact that this fighting force has gay and lesbian people serving openly without any negative effect on morale is not only an important argument, but it ought to get some recognition from

those on the left who have been so critical.

It ought to be possible to be critical of some aspects of Israeli policy without condemning Israel as a nation, denying its right to exist. And it certainly ought to be possible, if you are going to be critical of some things that Israel does, to take note of the far worse things, in virtually every category in which Israel is criticized, that are done by its neighbors.

So there are things that the Europeans can do and that the other Arabs can do to strengthen the hand of those in Israel, who now include the Prime Minister, who are prepared to tell some unpleasant truths to some of their people, who are prepared to give up territory won in a war that they considered a defensive war, countries do not always do that, restore these lands to people who have been their enemies, and allow a Palestinian state. I think that is in Israel's interest and it is in the rest of the world's interest to allow that to happen.

But there are also things that friends of Israel should refrain from doing, and that brings me to this Chamber right here, Mr. Speaker.

Explicitly, I think we should resolve that those on the right wing in Israel who object to Prime Minister Sharon's decision to withdraw from Gaza and to begin a withdrawal from the West Bank and to begin a process that we hope will lead to a Palestinian state, we have got to be careful that they do not win in the United States House of Representatives what they have lost in the Knesset, because they are going to try and they will, unfortunately, have allies here.

We have a history here of people in this body and in American politics taking the overwhelming support that exists for the Nation of Israel's existence and for Israel's general cause and manipulating this in ways that I think are intended to have a negative effect on the chances for peace, but certainly can have that.

Let me give you one example. In 1995, I believe Prime Minister Rabin was still alive, Bill Clinton was the President and the Labor Party was in power in Israel and Oslo had been signed and there was a genuine effort to bring peace in the Middle East. It ultimately failed. I think the murder of Yitzhak Rabin by right-wing extremists in Israel was one of the reasons. But Arafat's ultimate unwillingness ever to make peace was a greater reason.

But while there was a serious effort to bring about peace, this House of Representatives passed a resolution brought forward by the majority, the Republicans, to demand that the United States Embassy be moved from Tel Aviv to Jerusalem. Now, I believe that Jerusalem ought ultimately to be recognized as the capital of Israel for a variety of reasons, and I believe as part of the peace process it will be.

But to raise that issue at that time was intended to undermine the peace process. Do you know how I know that, Mr. Speaker? That was in 1995 when Bill Clinton was in power in the White House and the Labor Party was in power in Israel, and they were trying to make peace. At that point, the Likud Party, the conservative party, opposed those peace efforts.

So when the Democrats and Labor were in power, this House was asked to pass a resolution to move the embassy. I voted ''present,'' because I think the embassy should ultimately be moved, but I objected to the timing. I could not say no; I did not think it was the right time to say yes.

But overwhelmingly it passed, because people here believe in Israel's cause and believe the embassy ought to be in Jerusalem. But it was not the right time to do it. And people knew that, because in 2001, when things had changed and you had a Republican President and Likud in power, you know what you did not see, Mr. Speaker? You did not see the moving trucks going down the highway from Tel Aviv to Jerusalem with the American Embassy's furniture in it.

In other words, when the Labor and the Democrats were in power, moving the embassy to Jerusalem was used to destabilize the situation. But when the Republicans and Likud were in power, have you heard of any of that since? Have we passed such a resolution since? No. Not because people do not think the capital of Israel ultimately should be Jerusalem, but because they recognize that it is an inappropriate time and place to do that.

I hope we will not see more of that. We have not recently, partly I think because the Israeli Government asked them not to. I will tell you, when the Israeli representatives of Prime Minister Sharon came here in 2001 during the Bush administration, I asked them if there had been conversations about acting on that resolution and moving the embassy. They were not pleased with the question and said no very shortly.

But that is not the only thing we have done of this sort. We have passed resolutions here, we passed the one last June, I believe it was, House Concurrent Resolution 460, we passed it June 23. I voted for it. I was a little troubled. I agreed with everything it said, but I also agreed with some things it did not say. I agreed with most of it.

It, I think, suggested that perhaps Israel should not have to withdraw from most of the West Bank, and I think that would be fatal to the peace process and therefore damaging to Israel's own legitimate best interests. But it did not give sufficient recognition to what ultimately should be the Palestinian's result in this process.

It stated the legitimate concerns of Israel, and it left silent some of the concerns of the Palestinians. Of course, it came before us unamendable and you had to vote yes or no. This is the kind of dilemma we had.

I hope we will now determine, Mr. Speaker, that the Members of this House will not be put in the position of voting on an unamendable resolution with only 40 minutes' debate which will be the truth, nothing but the truth, but not the whole truth, and which will perhaps be designed to undercut the peace process.

□ 1700

I mean that quite seriously. We know there are people who do not think there should be two States. There are people who think Israel should not withdraw from Gaza and the West Bank.

Let me deal with one of those arguments, by the way. There are some within Israel and within the United States, some orthodox Jews, some very deeply believing Christians, who believe that the authority for Israel to continue to rule in the West Bank particularly and, in many cases, Gaza, comes from the Bible. Mr. Speaker, the Bible is a document worthy of veneration, but it cannot be taken as a map for dividing up territory today.

Those of us who have been critical of Islamist fundamentalism, who have been critical of those who would use the Koran to control the lives of others cannot then say, but it is okay to take the Bible, the Old Testament, and let it be the map that governs modern society. That has to be repudiated, just as efforts to impose any other particular religious tradition on people who do not subscribe to it must be repudiated.

Now, it is important for America to show its support for Israel, the Israeli people. It is a democracy. They are being asked by vote to give up territories they conquered in wars they thought were wars of self-defense. They have already done some of that. They have given up the Sinai. They have now announced they are giving up Gaza. They came very close, under Prime Minister Barak, to giving up most of the Golan Heights; but they were not able to make a deal with the Syrian regime. That is the fault of the Syrian regime, a hard-line regime that has recently, I think, shown its irreconcilable side. But you are not going to get those votes in Israel if the Israeli people do not feel secure, and they will not feel secure without first the strong support of the United States, but they also will not feel secure in the face of unremitting and unfair hostility from the rest of the world.

Israel was created by the United Nations, but today it is prohibited from full participation in the U.N. the way other countries can, by participation in regional blocks. And some of that anti-Israel sentiment in the rest of the

world, particularly in Europe, is unfortunately growing. You have an elected Prime Minister who is offering to give up significant territory. And I think it is important that he do that. I think it is important that he give up Gaza and almost all of the West Bank. I think it is also important, by the way, with regard to the wall that Israel is constructing, that Israel follow its own high court.

Mr. Speaker, last year, we had two examples of the judiciary and democracies acting at the finest tradition of the judiciary. I know it is fashionable, particularly on the Republican side of the aisle, to beat up the judiciary, seven of the nine Supreme Court Justices of course being Republican and, in fact, Republican appointees. In fact, if we want to make a list of laws stricken by Supreme Court Justices, the very creative jurisprudence by Justice Scalia on the 11th amendment, which he has used to strike down a whole range of antidiscrimination laws enacted by the Federal Government, he would be in first place, I believe, along with Clarence Thomas in striking down laws.

But the overwhelming majority of the United States Supreme Court, 8 to 1, and the high court in Israel in the same week said to their government, you know, we understand you have problems. You have security, but you cannot let that be a basis for ignoring basic human rights. In America they said, no, Mr. President, you cannot just lock up any American citizen you want for as long as you want to on your own say-so. It was a very important 8 to 1 decision, only Thomas believing that the Federal Government can do whatever it wants whenever it wants to, but the other eight said no.

The high court in Israel said, yes, you can build a fence for security, but you cannot build it in a way that violates other people's rights. And I think that is very important. A fence for security, yes. A fence that unfairly cuts off Arabs from their land and inflames passions, that is not in Israel's interest. It is in Israel's interest to put an end to this war, to let the Israeli people live in peace.

Israel has done marvelous things with its economy. It has done that while having to pay a higher percentage of its gross domestic product to the military than any society in recent times. Think what marvels it could perform, think what it could do for the quality of its own life and for the lives of others if it were able to reduce, not abolish, but reduce that military burden.

So, Mr. Speaker, I hope we will say that what President Abbas and Prime Minister Sharon are trying to do is reach an agreement whereby two states can live side by side and in which Israel can have a Jewish democratic majority, with an expanded Jerusalem, with some of the areas in the West Bank that have been settled, but with most of the West Bank and all of Gaza being part of a viable Palestinian state.

I was very pleased in Switzerland at the World Economic Forum when Shimon Peres said, well, one of the things we have to do right away, now the vice premier of Israel, is to ease the ability of people to send goods from Gaza to the West Bank, and he said, we are going to spend some money to do that; and I am glad they are doing it.

I should have added, Mr. Speaker, there is one other thing we can refrain from doing. We in this Congress can refrain from trying to stop money from being sent to the Palestinian Authority. The Israeli Government wants to do that. Recently, in December, we had an effort here by some to say no, no, we are going to criticize the United States Government for sending money to the Palestinians. If we are not prepared to send money to them, it will not work. As long as Abbas is trying as he is, yes, we should be sending money to the Palestinians.

I was pleased, and I do not mean to be entirely negative about the Congress, I was pleased that when the so-called REAL ID Act, the REAL ID Act was the bill sponsored by the chairman of the Committee on the Judiciary which dealt with asylum and driver's licenses came forward, there was initially a provision that said that people who belonged to the Palestinian Liberation Organization could not come to America. Well, we are in the process of sending them money. We are in the process of negotiating with them. That was a very bad idea. It was dropped, and I am glad it was dropped. That is the kind of thing that never should have been even, I think, considered.

We need to understand that for the Israelis and Palestinians to make peace, America must be seen as a willing facilitator. That also means we are going to have to spend some money. We are going to help spend money to relocate the settlers. We are going to help spend money, I believe, to compensate Palestinians who will not be returning to Israel. And let me make what I think is a very important point that has to be explicit.

The basis on which Prime Minister Sharon and his allies within his party and the greater majority of the Israeli people, the basis on which they are willing voluntarily to give up this territory that they won is essentially the need for Israel to be a Jewish democratic state in which there will be a sufficient Jewish majority, a sufficient majority that believes in the State of Israel, so that they can have the normal give-and-take of a democracy, which Israel alone in that area has, and not have it jeopardized.

That means getting out of Gaza, it means getting out of most of the West Bank, and it means no right of return, physically exercised by the Palestinians. Because how does it advance the cause of having a Jewish democratic state with a majority in Israel who believe in a Jewish State of Israel, if you give up the territories where the Palestinians live, but bring the Palestinians into Israel. That does not work. So, clearly, there should be some compensation. But it should not come from America alone, and here I think we have a right to say to the Western Europeans, you have been very critical; there ought to be participation by the Western Europeans. I was glad to hear Vice Prime Minister Peres say the World Bank is participating in this.

So that is where we are, Mr. Speaker. We should recognize that two men, Mahmoud Abbas and Ariel Sharon, have committed themselves to peace. And I do not mean to equate them; there are great differences in their backgrounds and histories, but they are both in this position now. They are both moving in opposition to some with whom they have previously been allied to some who have formed their political bases in different ways, a more violent one in the case of the Palestinians, a more democratic one in the case of the Israelis.

They are prepared to break with them and to do what democratically elected officials do not always do, which is to say to their people we have to give a little; we have to give up some. We are not that good at that around here. When other people are prepared to tell their people to make sacrifices, I think we ought to understand how important that is and be fully supportive.

That means no resolutions here which are designed or will have the effect of unsettling things and making things harder. Mr. Speaker, I think that the Israeli Government and the Palestinians will be able to make peace, if they can, with no help from resolutions from this House. Yes, we should be willing to provide funding, funding to continue to support the Israelis' necessary self-defense capacity, funding to help relocate settlers, funding for the Palestinian Authority. But I think they do very well without a lot of politically motivated resolutions coming out of this place. And I hope that we will refrain from doing that.

I hope that the Arab world will fully support Abbas as he cracks down on those people who want to use murder to kill the peace process. I hope that the Europeans and others will get a little more balanced in this and not regard the democratic nation of Israel as the arch villain while, apparently, not being too concerned when the Syrians continue to oppress Lebanon.

I hope that the American Government, and I must say I think the Bush administration was absent more than it should have been, but with the death

of Arafat we have this opportunity. And the opportunity should be to work with those people in Israel, Prime Minister Sharon, Shimon Peres, Ehud Olmert, and others, because they represent the majority in Israel, to say, look, we will be at your side. We understand you are being asked to make painful sacrifices; we think they are in your long-term interests, although they will be short-term difficult.

That means getting out of Gaza and almost all of the West Bank, not mistreating Palestinians, defending yourself, but defending yourself with the full understanding of the importance, not just morally, but politically, of not doing anything that exacerbates, not appearing to be doing things for the purpose of seizing land rather than for protecting yourselves. If we are prepared to be fully supportive of the Israelis during that and recognize the importance of fair treatment for the Palestinians within the context of complete security for Israel, then we have a real chance.

So, Mr. Speaker, let me just say in closing, there is a lot of urging for us to do; but, in particular, I want to make this clear now: what happens in some of these resolutions that come forward, like the one on moving Jerusalem, we do not have enough time to debate them; we only have 40 minutes. I want to announce now, and I hope others will join me, we are not going to be quiescent if politically motivated resolutions come forward which will have the effect of causing troubles in the peace process.

I am a strong believer in the importance morally and in other ways of a vibrant, free, and democratic Israel. I want to do everything I can to promote that, and I think the best way to do that is to create the conditions in which Abbas and Sharon are able to come to a genuine agreement, which will mean a viable, independent Palestinian state in Gaza and most of the West Bank, and a secure, democratic Jewish Israel with Jerusalem as its capital. That is now within our reach. Not our reach, their reach. What we have to do is to be supportive and to restrain any political impulses to undercut that situation.

Mr. Speaker, I cannot think of a more solemn obligation or important task for us going forward.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. BECERRA, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. MOLLOHAN, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. OXLEY, for 5 minutes, today.

Mr. CAMP, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 384. An act to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years; to the Committee on Government Reform.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 5. An act 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.

ADJOURNMENT

Mr. CONAWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. POE). Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Monday, February 21, 2005, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 66, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 5 o'clock and 15 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Monday, February 21, 2005, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 66, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

850. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Proposed Data Collection, Reporting, and Recordkeeping Requirements Applicable to Cranberries Not Subject to the Cranberry Marketing Order [Docket No. FV01-926-1 FR] received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

851. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Redistricting and Reapportionment of Producer Membership on the California Olive Committee [Docket No. FV04-932-2 FR] received February 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

852. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Add Malaysia to List of Regions in Which Highly Pathogenic Avian Influenza Subtype H5N1 is Considered to Exist [Docket No. 04-091-1] received February 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

853. A letter from the Principal Deputy Associate Administrator, Enironmental Protection Agency, transmitting the Agency's final rule — Pesticide; Removal of Expired Time-limited Tolerances for Emergency Exemptions [OPP-2005-0025; FRL-7690-6] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

854. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0015; FRL-7696-8] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

855. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a biennial strategic plan for the Defense Advanced Research Projects Agency (DARPA), pursuant to 10 U.S.C. 2352; to the Committee on Armed Services.

856. A letter from the Director, United States Mint, Department of the Treasury, transmitting the 32nd Quarterly Financial Report of the United States Mint Commemorative Coin Program, covering the first quarter of FY 2005, ending on December 31, 2004, related to commemorative coins authorized for 2003-2005, pursuant to Public Law 104—208, section 529(c) (110 Stat. 3009–352); to the Committee on Financial Services.

857. A letter from the Secretary, Bureau of Economics, Federal Trade Commission, transmitting the Commission's final rule — Charges for Certain Disclosures — received February 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

858. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-fourth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

859. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

860. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions from Consumer Related Sources [R06-OAR-2005-TX-0001; FRL-7871-7] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

861. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference [WV100-6030; FRL-7861-3] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

862. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-7871-9] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

863. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan Maricopa County Environmental Services Department [AZ131-125; FRL-7860-8] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

864. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — South Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7870-2] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

865. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — XBRL Voluntary Financial Reporting Program on the EDGAR System (RIN: 3235-AJ32) received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

866. A letter from the Director, Defense Security Cooperation Agency, transmitting reports containing the 30 September 2004 status of loans and guarantees issued under the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

867. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-10, Benchmark Survey of U.S. Direct Investment Abroad—2004 [Docket No. 040907254-4254-01] (RIN: 0691-AA52) received February 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

868. A letter from the Secretary, Council of the District of Columbia, transmitting a copy of Council Resolution 15–763, ''Transfer of Jurisdiction of a Portion of Square 1171 Approval Resolution of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

869. A letter from the Executive Director, Broadcasting Board of Governors/International Broadcasting Bureau, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

870. A letter from the Under Secretary for Management, Department of Homeland Security, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

871. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, 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.

872. A letter from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting the FY 2004 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

873. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2006 Performance Budget, in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

874. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for Calendar Year 2004, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

875. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Pay Administration (General) (RIN: 3206-AK74) received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

876. 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.

877. A letter from the Chair, U.S. Election Assistance Commission, transmitting the Commission's FY 2004 Annual Report, submitted in accordance with Section 207 of the Help America Vote Act of 2002 (HAVA); to the Committee on House Administration.

878. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-102-FOR] received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

879. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-102-FOR] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

880. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 041202339-4339-01; I.D.011905B] received February 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

881. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 041202339-4339-01; I.D.012405C] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

882. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041202339-4339-01; I.D. 012705A] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

883. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Extension of Minimum Funding Under the Indian Housing Block Grant Program [Docket No. FR-4825-I-03; HUD-2005-0001] (RIN: 2577-AC43) received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

884. A letter from the General Counsel, EOIB, Department of Justice, transmitting the Department's final rule — Background and Security Investigations in Proceedings Before Immigration Judges and the Board of Immigration Appeals [EOIR No. 140I; AG Order No. 2755-2005] (RIN: 1125-AA44) received February 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

885. A letter from the Secretary, Office of General Counsel, Federal Trade Commission, transmitting the Commission's final rule — Federal Civil Penalties Inflation Adjustment Act — received February 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

886. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Jet Route 187, and Revision of Jet Routes 180 and 181; MO [Docket No. FAA-2004-16091; Airspace Docket No. 03-ACE-74] (RIN: 2120-AA66) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

887. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Springfield/Chicopee, MA [Docket No. FAA-2004-19601] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

888. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sedalia, MO. [Docket No. FAA-2004-19334; Airspace Docket No. 04-ACE-63] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

889. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sedalia, MO. [Docket No. FAA-2004-19334; Airspace Docket

No. 04-ACE-63] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

890. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Standards: Transport Category Rotorcraft; Equipment: Flight and Navigation Instruments; Correction — received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

891. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Civil Penalty Assessment Procedures; Correction [Docket No. 27854; Amendment No. 13-32] (RIN: 2120-AE84) received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

892. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials; Incorporated of Exemptions into Regulations. [Docket No. RSPA-03-16370(HM-233)] (RIN: 2137-AD84) received Janaury 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

893. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs [FHWA-2003-14747] (RIN: 2125-AE97) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

894. A letter from the American Legion, transmitting the financial statement and independent audit of The American Legion proceedings of the 86th annual National Convention of the American Legion, held in Nashville, Tennessee from August 31, September 1, and 2, 2004 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 109–8); to the Committee on Veterans' Affairs and ordered to be printed.

895. A letter from the Assistant Secretary for Import Administration, Department of Commerce, transmitting the annual report on the activities of the Foreign-Trade Zones Board for fiscal year 2003, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

896. A letter from the Acting Asst. Secretary & Acting Asst. U.S. Trade Rep., Department of Commerce and Office of the U.S. Trade Representative, transmitting a report entitled, ''Subsidies Enforcement: Annual Report To The Congress''; to the Committee on Ways and Means.

897. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2005-14) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

898. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Differential Earnings Rate for Mutual Life Insurance Companies [Notice 2005-18] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

899. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Determining Income and Resources under the Supplemental Security Income (SSI) Program [Regulation No. 16] (RIN: 0960-AF84) received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

900. A letter from the Secretary and Attorney General, Departments of Health and Human Services and Justice, transmitting the seventh Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2003, pursuant to 42 U.S.C. 1395i; jointly to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HULSHOF (for himself, Mr. CRAMER, Mr. HERGER, Mr. SHAW, Mr. MCCRERY, Mr. CAMP, Mr. SAM JOHNSON of Texas, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, Mr. REYNOLDS, Mr. RYAN of Wisconsin, Mr. CANTOR, Ms. HART, Mr. CHOCOLA, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. ABERCROMBIE, Mr. AKIN, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BASS, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mrs. BONO, Mr. BOOZMAN, Mr. BOUCHER, Mr. BRADLEY of New Hampshire, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CANNON, Mrs. CAPITO, Mr. CARDOZA, Mr. CHABOT, Mr. CONAWAY, Mr. COX, Mr. CRENSHAW, Mr. CULBERSON, Mrs. DRAKE, Mr. DREIER, Mr. EDWARDS, Mr. EHLERS, Mrs. EMERSON, Mr. EVERETT, Mr. FORBES, Mr. FORTUÑO, Mr. FOSSELLA, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GORDON, Mr. GRAVES, Ms. HARRIS, Mr. HOEKSTRA, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. KOLBE, Mr. LAHOOD, Mr. LOBIONDO, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCKEON, Mr. MANZULLO, Mr. MATHESON, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mrs. MUSGRAVE, Mr. OSBORNE, Mr. OTTER, Mr. PEARCE, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. REICHERT, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TANCREDO, Mr. TERRY, Mr. THORNBERRY, Mr. TIAHRT, Mr. TURNER, Mr. WALDEN of Oregon, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. WOLF):

H.R. 8. A bill to make the repeal of the estate tax permanent.

By Mr. POMBO (for himself, Mr. RAHALL, Mr. FLAKE, Mr. ABERCROMBIE, Mr. BURTON of Indiana, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. CASE, Mr. YOUNG of Alaska, Mr. BLUNT, Mr. DOOLITTLE, Mr. CARDOZA, Mr. WALDEN of Oregon, Mr. FORTUÑO, Mr. REHBERG, Mr. RADANOVICH, Mr. COLE of Oklahoma, Mr. GILCHREST, and Mr. CANTOR):

H.R. 873. A bill to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Resources.

By Mr. NORWOOD (for himself, Mr. BOEHNER, Mr. SAM JOHNSON of Texas, Mr. MCKEON, Mr. SOUDER, Mrs. BIGGERT, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, Mrs. MUSGRAVE, Mr. INGLIS of South Carolina, Mrs. DRAKE, Mr. KINGSTON, Mr. LINDER, Mr. DEAL of Georgia, Mr. KING of Iowa, Mr. HAYWORTH, Mr. WICKER, Mr. BRADY of Texas, Mr. CULBERSON, Mr. GARRETT of New Jersey, Mr. BURTON of Indiana, Mr. SULLIVAN, Mr. OTTER, Mr. PENCE, Mrs. BLACKBURN, Mr. GALLEGLY, Mr. GILLMOR, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. PITTS, Mr. HAYES, Mr. DOOLITTLE, Mr. SESSIONS, Mr. GARY G. MILLER of California, Mr. CHABOT, Mr. COBLE, Mr. BROWN of South Carolina, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. JONES of North Carolina, and Mr. MANZULLO):

H.R. 874. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; to the Committee on Education and the Workforce.

By Mr. WELLER:

H.R. 875. A bill to amend the Internal Revenue Code of 1986 to allow businesses to expense qualified security devices; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 876. A bill to amend part E of title IV of the Social Security Act to increase payments to States for expenditures for short term training of staff of certain child welfare agencies; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. BECERRA, and Mrs. JOHNSON of Connecticut):

H.R. 877. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. MARKEY, Mr. PALLONE, Mr. RUSH, Mr. TOWNS, Mr. STRICKLAND, Mr. BOUCHER, Ms. SCHAKOWSKY, Mrs. CAPPS, Mr. INSLEE, Mr. WAXMAN, Ms. BALDWIN, Mr. ENGEL, Mr. WYNN, Mr. STUPAK, Mr. ALLEN, Mr. GORDON, Mr. DOYLE, Mr. BROWN of Ohio, Ms. DEGETTE, and Ms. SOLIS):

H.R. 878. A bill to improve the reliability of the Nation's electric transmission system; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Ms. SOLIS, Mrs. CAPPS, Mr. WYNN, Ms. SCHAKOWSKY, Mr. PALLONE, Ms. BALDWIN, Mr. MARKEY, and Mr. STUPAK):

H.R. 879. A bill to amend the Solid Waste Disposal Act to provide for secondary containment to prevent MTBE and petroleum contamination; to the Committee on Energy and Commerce.

By Mr. KIND (for himself, Mr. OSBORNE, Mr. TAYLOR of Mississippi, Mr. OBERSTAR, Mr. ROSS, Mrs. CHRISTENSEN, Mr. PETERSON of Minnesota, Mr. STUPAK, Mr. KILDEE, Mr. MCHUGH, and Mr. MARSHALL):

H.R. 880. A bill to amend part C of title XVIII of the Social Security Act to require

Medicare Advantage (MA) organizations to pay for critical access hospital services and rural health clinic services at a rate that is at least 101 percent of the payment rate otherwise applicable under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself and Mrs. MALONEY):

H.R. 881. A bill to amend the Federal Food, Drug, and Cosmetic Act to reduce human exposure to mercury through vaccines; to the Committee on Energy and Commerce.

By Mr. BOEHLERT:

H.R. 882. A bill to require the National Oceanic and Atmospheric Administration, through the National Weather Service, to establish a tsunami hazard mitigation program for all United States coastal States and insular areas; to the Committee on Science.

By Mr. DAVIS of Alabama (for himself, Mr. LEACH, Mr. ROGERS of Alabama, Mr. HINOJOSA, Mr. SANDERS, Mr. PAUL, Mr. MCHUGH, and Mr. CONYERS):

H.R. 883. A bill to amend the Internal Revenue Code of 1986 to allow a first time homebuyer credit for the purchase of principal residences located in rural areas; to the Committee on Ways and Means.

By Mr. CANNON (for himself, Mr. BERMAN, Mr. RADANOVICH, Mr. PETERSON of Minnesota, Mr. PUTNAM, Mr. REYES, Mr. LINCOLN DIAZ-BALART of Florida, Ms. JACKSON-LEE of Texas, Mr. LAHOOD, Mr. COSTA, Mr. NUNES, Ms. HOOLEY, Mr. MARIO DIAZ-BALART of Florida, Mr. MCGOVERN, Ms. SOLIS, and Mr. REYNOLDS):

H.R. 884. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, and Mr. BERMAN):

H.R. 885. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine; to the Committee on Ways and Means.

By Mr. KOLBE (for himself and Mr. CROWLEY):

H.R. 886. A bill to extend certain trade preferences to certain least-developed countries, and for other purposes; to the Committee on Ways and Means.

By Mr. FORD:

H.R. 887. A bill to provide for a program under which postal benefits shall be made available for purposes of certain personal correspondence and other mail matter sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Mr. NORWOOD, Mr. LATHAM, Mr. RYAN of Ohio, Mr. BOSWELL, Mr. HINCHEY, Mr. RAHALL, Mr. MEEHAN, Mr. BROWN of Ohio, Mr. BARROW, Mr. DOYLE, Mr. WILSON of South Carolina, Mr. WAMP, Mr. MURTHA, Mr. MCNULTY, Mrs. KELLY, Mr. LEACH, Mr. TIERNEY, Mr. BROWN of South Carolina, Mr. CLYBURN, Mr. NEY, and Mr. SWEENEY):

H.R. 888. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LOBIONDO, and Mr. FILNER):

H.R. 889. A bill to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 890. A bill to provide for the establishment of national and global tsunami warning systems and to provide assistance for the relief and rehabilitation of victims of the Indian Ocean tsunami and for the reconstruction of tsunami-affected countries; to the Committee on International Relations, and in addition to the Committees on Resources, and Science, 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. BACA (for himself, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mr. WYNN, Mr. TOWNS, Mr. MCGOVERN, Mr. FALEOMAVAEGA, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLAY, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. PAYNE, and Mr. OWENS):

H.R. 891. A bill to provide for the award of a gold medal on behalf of the Congress to Tiger Woods, in recognition of his service to the Nation in promoting excellence and good sportsmanship, and in breaking barriers with grace and dignity by showing that golf is a sport for all people; to the Committee on Financial Services.

By Mr. BACA (for himself, Mr. BURTON of Indiana, Mr. PETERSON of Pennsylvania, Mr. MURTHA, Mr. MCCRERY, Mr. SHAW, Mr. GRIJALVA, Mr. MCGOVERN, Mr. FALEOMAVAEGA, Mr. WALSH, Ms. HART, and Mr. BLUNT):

H.R. 892. A bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on Financial Services.

By Mr. BECERRA (for himself, Mr. CASE, Mr. MCDERMOTT, Mr. GUTIERREZ, Mr. MORAN of Virginia, Ms. SOLIS, Mr. PAYNE, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. ABERCROMBIE, Mr. DAVIS of Tennessee, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. BERMAN, Mr. HONDA, and Ms. BORDALLO):

H.R. 893. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

By Mr. BECERRA (for himself and Mr. BROWN of Ohio):

H.R. 894. A bill to assist low income taxpayers in preparing and filing their tax returns and to protect taxpayers from unscrupulous refund anticipation loan providers, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. MATHESON, Ms. CARSON, Mr. MARKEY, and Mr. RANGEL):

H.R. 895. A bill to provide for interagency planning for preparing for, defending against, and responding to the consequences of terrorist attacks against the Yucca Mountain Project, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, 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. BILIRAKIS (for himself, Ms. ESHOO, Mr. UPTON, Mr. SHAYS, Mr. MARKEY, Mr. INSLEE, Mr. ALLEN, Mr. RUSH, Mr. TOWNS, Ms. SLAUGHTER, and Mr. WAXMAN):

H.R. 896. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on health and human services, including volunteer services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAMP (for himself, Mr. LEVIN, Mr. RANGEL, Mr. FOLEY, Mr. RAMSTAD, Mr. RYAN of Wisconsin, Mr. GORDON, Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. MANZULLO, Mrs. MCCARTHY, Mr. MCHUGH, Mr. STARK, Mr. LEWIS of Georgia, Mr. COLE of Oklahoma, and Mr. EHLERS):

H.R. 897. A bill to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans and to increase the maximum amount of the exclusion; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself, Mr. PICKERING, Mr. GORDON, Mr. FOLEY, Ms. ESHOO, Mr. MCCOTTER, Mr. GENE GREEN of Texas, Mr. WYNN, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. FARR, Mr. MOORE of Kansas, Mr. ABERCROMBIE, Mr. MATHESON, Mr. OWENS, Mr. LANTOS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. MCNULTY, Mr. LYNCH, Mrs. DAVIS of California, Mr. WEXLER, Mr. ORTIZ, and Mr. DOGGETT):

H.R. 898. A bill to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARDIN (for himself, Mr. ENGLISH of Pennsylvania, Mr. LEVIN, Ms. ROS-LEHTINEN, Mr. MCDERMOTT, and Mr. BECERRA):

H.R. 899. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2006 through 2008 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Ways and Means.

By Mr. CASE (for himself, Mr. HONDA, Mr. SERRANO, Mr. TOWNS, Mr. CROWLEY, Mr. MEEKS of New York, Ms.

BORDALLO, Mr. GRIJALVA, Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas, and Mr. FALEOMAVAEGA):

H.R. 900. A bill to amend the Immigration and Nationality Act to remove from an alien the initial burden of establishing that he or she is entitled to nonimmigrant status under section 101(a)(15)(B) of such Act, in the case of certain aliens seeking to enter the United States for a temporary stay occasioned by the serious illness or death of a United States citizen or an alien lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

By Mr. CASE (for himself, Mr. SCOTT of Virginia, Ms. BORDALLO, and Mr. FILNER):

H.R. 901. A bill to amend the Immigration and Nationality Act to give priority in the issuance of immigrant visas to the sons and daughters of Filipino World War II veterans who are or were naturalized citizens of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CASTLE (for himself and Mrs. MALONEY):

H.R. 902. A bill to improve circulation of the $1 coin, create a new bullion coin, and for other purposes; to the Committee on Financial Services.

By Mr. COOPER (for himself, Mr. TANNER, Mr. CARDOZA, Mr. MATHESON, Mr. BOYD, Mr. ROSS, Mr. BARROW, Mr. CASE, Mr. MICHAUD, Mr. DAVIS of Tennessee, Mr. SALAZAR, Ms. HARMAN, Mr. THOMPSON of California, Mr. COSTA, Mr. BOSWELL, Ms. HERSETH, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. CHANDLER, Mr. FORD, Mr. BERRY, Mr. HOLDEN, Mr. MCINTYRE, Mr. BISHOP of Georgia, Mr. SCHIFF, and Mr. TAYLOR of Mississippi):

H.R. 903. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 to extend the discretionary spending caps and the pay-as-you-go requirement, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 904. A bill to provide for the disposition of United States Government uranium inventories; to the Committee on Energy and Commerce.

By Mrs. CUBIN:

H.R. 905. A bill to amend the Mineral Leasing Act to provide for the development of Federal coal resources; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 906. A bill to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts, and for other purposes; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 907. A bill to amend the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to grant easements and rights-of-way on the Outer Continental Shelf for activities otherwise authorized by that Act; to the Committee on Resources.

By Mr. CUMMINGS:

H.R. 908. A bill to establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in cases involving homicide, serious violent felonies, and serious drug offenses, and to provide Federal grants for such protection; to the Committee on the Judiciary.

By Mr. CUMMINGS:

H.R. 909. A bill to provide for the establishment of a hazardous materials cooperative research program; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself and Mr. SHIMKUS):

H.R. 910. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. GRAVES, Ms. NORTON, Mr. EHLERS, Mr. PEARCE, and Mr. HAYES):

H.R. 911. A bill to require the Secretary of Homeland Security to develop and implement standards for the operation of nonscheduled, commercial air carrier (air charter) and general aviation operations at Ronald Reagan Washington National Airport; to the Committee on Transportation and Infrastructure.

By Mr. DELAHUNT (for himself, Mr. DELAY, Mr. LANTOS, Ms. PRYCE of Ohio, Mr. BLUNT, Mr. KOLBE, Mr. SHAYS, Mr. CRAMER, Mr. SMITH of New Jersey, Mr. PORTER, Mr. MCGOVERN, Mr. FOLEY, Mr. CARDOZA, and Mr. POMEROY):

H.R. 912. A bill to ensure the protection of beneficiaries of United States humanitarian assistance; to the Committee on International Relations.

By Mr. DREIER (for himself, Ms. ESHOO, Mr. BLUNT, Mr. CROWLEY, Mr. SHADEGG, Mr. WU, Mr. CANTOR, Mr. INSLEE, Mr. ROYCE, Mr. MCINTYRE, Mr. GARY G. MILLER of California, Ms. ZOE LOFGREN of California, Mr. HEFLEY, Mr. LANTOS, Mrs. BLACKBURN, Mr. MILLER of North Carolina, Mr. COX, Mr. SMITH of Texas, Mr. SIMPSON, Mr. ROGERS of Michigan, Mr. HAYWORTH, Mr. SENSENBRENNER, and Mr. WILSON of South Carolina):

H.R. 913. A bill to direct the Securities and Exchange Commission to require enhanced disclosures of employee stock options, and to require a study on the economic impact of broad-based employee stock option plans, and for other purposes; to the Committee on Financial Services.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. PUTNAM):

H.R. 914. A bill to amend the Internal Revenue Code of 1986 to provide parity in reporting requirements for national party committees and unregulated political organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Ms. HART, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. HOLDEN, and Mr. PAYNE):

H.R. 915. A bill to authorize the President to take certain actions to protect archaeological or ethnological materials of Afghanistan; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. BLUNT, Mr. CARDIN, and Mr. PALLONE):

H.R. 916. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 917. A bill to amend title 38, United States Code, to permit eligible veterans to receive direct access to chiropractic care; to the Committee on Veterans' Affairs.

By Mr. FLAKE (for himself, Mr. PAUL, Mr. BURTON of Indiana, Mr. WAMP, and Mr. MILLER of Florida):

H.R. 918. A bill to contain the costs of the Medicare prescription drug program under part D of title XVIII of the Social Security Act, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Rules, 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:

H.R. 919. A bill to amend the Internal Revenue Code of 1986 to treat certain publicly-traded debt issued or guaranteed by Federal, State, or local goverments as qualified nonrecourse financing; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. MACK, Mr. BOYD, Mr. HAYWORTH, Mr. OTTER, Mr. LEWIS of Kentucky, Mr. COOPER, Ms. ROS-LEHTINEN, Mr. DOOLITTLE, Mr. CHABOT, Mr. SESSIONS, Mr. SHAW, Mr. RENZI, Mr. GARRETT of New Jersey, Mr. TIBERI, and Mr. SAM JOHNSON of Texas):

H.R. 920. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction; to the Committee on Ways and Means.

By Mr. FORBES (for himself, Mr. TOWNS, Mr. BAKER, Mr. ROSS, Mr. MARSHALL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, and Mr. BISHOP of Georgia):

H.R. 921. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Science, 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. FORD:

H.R. 922. A bill to improve treatment of post-traumatic stress disorder for veterans of service in Afghanistan and Iraq and the war on terrorism; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself, Mr. KING of New York, Mr. TOWNS, Mr. PETRI, and Mr. KIND):

H.R. 923. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and

parcels sent by family members from within the United States to members of the Armed Forces serving on active duty in Iraq or Afghanistan; to the Committee on Government Reform.

By Mr. FOSSELLA (for himself, Mr. RANGEL, and Mr. GREEN of Wisconsin):

H.R. 924. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for uncompensated education costs incurred by veterans' survivors and dependents who are in receipt of educational assistance under chapter 35 of title 38, United States Code; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself, Mr. CHABOT, Mr. KING of Iowa, Mr. SMITH of Texas, Mr. ROHRABACHER, Mr. NORWOOD, Mr. SAM JOHNSON of Texas, Mr. HEFLEY, Mr. SIMPSON, Mr. GARRETT of New Jersey, Mr. WELDON of Florida, Mrs. JO ANN DAVIS of Virginia, Mr. GARY G. MILLER of California, Mr. SULLIVAN, Mr. FORBES, Mr. BAKER, Mr. GOODE, Mr. BARRETT of South Carolina, Mr. GOHMERT, and Mr. UPTON):

H.R. 925. A bill to prohibit a Federal agency from accepting a form of individual identification issued by a foreign government, except a passport that is accepted on the date of enactment; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, House Administration, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH (for himself and Mr. SMITH of New Jersey):

H.R. 926. A bill to amend title 38, United States Code, to authorize Department of Veterans Affairs police officers to execute on Department property arrest warrants of a State or local government within the jurisdiction of which such Department property is located; to the Committee on Veterans' Affairs, 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. GILLMOR (for himself, Mr. ROSS, Mr. JENKINS, Mr. WOLF, Mr. GOODE, Mr. SOUDER, Mr. OXLEY, and Mr. LIPINSKI):

H.R. 927. A bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; to the Committee on Resources.

By Mr. GUTIERREZ (for himself, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. HINOJOSA, Mr. MEEKS of New York, Ms. SOLIS, Ms. WATERS, Mr. CROWLEY, Mr. AL GREEN of Texas, Ms. LEE, Mr. ACKERMAN, and Ms. WASSERMAN SCHULTZ):

H.R. 928. A bill to amend the Electronic Fund Transfer Act to extend certain consumer protections to international remittance transfers of funds originating in the United States, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on International Relations, 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 Ms. HART (for herself, Mr. ENGLISH of Pennsylvania, Mr. DOYLE, and Mr. MURPHY):

H.R. 929. A bill to designate Pennsylvania State Route 60 and United States Routes 22 and 30 as part of the Dwight D. Eisenhower National System of Interstate and Defense Highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH (for himself, Mr. FOLEY, Mr. JEFFERSON, Mr. RAMSTAD, Mr. LEWIS of Kentucky, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. SHAW, and Mr. CANTOR):

H.R. 930. A bill to amend the Internal Revenue Code of 1986 to provide that seven year class life for motorsports entertainment complex property be made permanent; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. KING of Iowa, Mr. OTTER, Mr. ENGLISH of Pennsylvania, and Mr. SIMPSON):

H.R. 931. A bill to require Congress and the President to fulfill their constitutional duty to take personal responsibility for Federal laws; to the Committee on the Judiciary, and in addition to the Committee on Rules, 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. HEFLEY (for himself, Mr. SESSIONS, and Mr. GARY G. MILLER of California):

H.R. 932. A bill to require the Secretary of the Treasury to mint coins in commemoration of Ronald Wilson Reagan, the 40th President of the United States; to the Committee on Financial Services.

By Ms. HERSETH (for herself and Mr. RENZI):

H.R. 933. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; to the Committee on the Judiciary.

By Mr. HINCHEY (for himself, Mr. KILDEE, Mr. GOODE, Mr. OWENS, Mr. MCNULTY, Mr. EVANS, Ms. WOOLSEY, Mr. KENNEDY of Rhode Island, and Mr. BISHOP of New York):

H.R. 934. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Ways and Means.

By Mr. HONDA (for himself and Mr. ROYCE):

H.R. 935. A bill to urge the Government of Ethiopia to hold orderly, peaceful, and free and fair national elections in May 2005 and to authorize United States assistance for elections-related activities to monitor the Ethiopian national elections; to the Committee on International Relations.

By Mr. HONDA (for himself, Mr. MORAN of Virginia, Ms. LEE, Mr. EVANS, Mr. MEEKS of New York, Mr. SCHIFF, Mr. GRIJALVA, Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LINDA T. SÁNCHEZ of California, Mr. CONYERS, Ms. SOLIS, Mr. GENE GREEN of Texas, and Ms. BORDALLO):

H.R. 936. A bill to provide for immigration relief in the case of certain immigrants who are innocent victims of immigration fraud; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself, Ms. WATSON, Mr. RUSH, Ms. LEE, Mr. BRADY of Pennsylvania, Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, Mr. MCDERMOTT, Mr. CONYERS, Mr. SERRANO, Mrs. MALONEY, Mr. BISHOP of Georgia, Mr. PALLONE, Mr. BROWN of Ohio, and Mr. MEEKS of New York):

H.R. 937. A bill to direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth; to the Committee on House Administration.

By Mrs. JOHNSON of Connecticut (for herself and Mr. OLVER):

H.R. 938. A bill to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes; to the Committee on Resources.

By Mrs. JONES of Ohio:

H.R. 939. A bill to amend the Help America Vote Act of 2002 to require a voter-verified paper record, to improve provisional balloting, to impose additional requirements under such Act, and for other purposes; to the Committee on House Administration, 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. KELLER (for himself, Mr. EHLERS, Mr. HOEKSTRA, Mr. WELDON of Florida, Mr. SHAW, Ms. ROS-LEHTINEN, Mr. FOLEY, Ms. HARRIS, Mr. DICKS, Mr. JONES of North Carolina, Mr. DUNCAN, Mr. RENZI, Mr. BROWN of South Carolina, Mrs. MILLER of Michigan, Mr. TAYLOR of Mississippi, and Mr. UPTON):

H.R. 940. A bill to amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. KELLY:

H.R. 941. A bill to amend the Internal Revenue Code of 1986 to modify the limitation on the deduction for college tuition and related expenses and to make the deduction permanent; to the Committee on Ways and Means.

By Ms. KILPATRICK of Michigan (for herself, Mr. MCDERMOTT, and Ms. NORTON):

H.R. 942. A bill to require government agencies carrying out surface transportation projects to conduct a cost-benefit analysis before procuring architectural, engineering, and related services from a private contractor, 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. LANGEVIN (for himself, Mr. KENNEDY of Rhode Island, and Mr. CONYERS):

H.R. 943. A bill to direct the Consumer Product Safety Commission to issue standards addressing open flame ignition of consumer products containing polyurethane foam; to the Committee on Energy and Commerce.

By Mr. LEACH (for himself and Mr. GORDON):

H.R. 944. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mrs. MCCARTHY, Mr. HASTINGS of Florida, Mr. RUSH, Mr. WYNN, Mr. OWENS, Mr. PAYNE, Mr. SANDERS, Mr. GRIJALVA, Ms. NORTON, Mr. RANGEL, Mr. TOWNS, Mr. WEXLER, Ms. WOOLSEY, Mr. CUMMINGS, Ms. CARSON, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, and Ms. WATERS):

H.R. 945. A bill to provide assistance to combat infectious diseases in Haiti and to establish a comprehensive health infrastructure in Haiti, and for other purposes; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. CONYERS, Ms. KILPATRICK of Michigan, Mrs. JONES of Ohio, Mr. OWENS, Mr. GRIJALVA, Ms. NORTON, Mr. RANGEL, Mr. TOWNS, Mr. BROWN of Ohio, and Ms. WATERS):

H.R. 946. A bill to establish the Independent Commission on the 2004 Coup d'Etat in the Republic of Haiti; to the Committee on International Relations.

By Mr. LEWIS of Kentucky (for himself, Mr. CARDOZA, Mr. BISHOP of Utah, Mr. ETHERIDGE, Mr. LAHOOD, Mr. BUTTERFIELD, and Mr. BARTLETT of Maryland):

H.R. 947. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. KING of New York, Mr. ACKERMAN, Mr. HINCHEY, Mr. RANGEL, Mr. NADLER, Mr. BISHOP of New York, Mr. SERRANO, Mrs. LOWEY, Mrs. MCCARTHY, Mr. TOWNS, and Mr. MCNULTY):

H.R. 948. A bill to amend title 10, United States Code, to provide that members of the National Guard who served in the counties declared Federal disasters areas in response to the September 11, 2001, terrorist attacks on the United States, and who served under State duty so that they could immediately assist in the response to the terrorist attacks should have that service counted as Federal active duty for purposes of military retirement credit; to the Committee on Armed Services.

By Mrs. MALONEY (for herself and Ms. PRYCE of Ohio):

H.R. 949. A bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. RANGEL, Ms. MILLENDER-MCDONALD, Mr. WEXLER, and Mr. GONZALEZ):

H.R. 950. A bill to authorize assistance to support programs to protect children who are homeless or orphaned as a result of the tsunamis that occurred on December 26, 2004, in the Indian Ocean from becoming victims of trafficking; to the Committee on International Relations.

By Mr. MARKEY:

H.R. 951. A bill to reinstate the Federal Communications Commission's rules for the description of video programming; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. FILNER, Mr. OWENS, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. KUCINICH, Mr. HINCHEY, Mr. LANTOS, Mr. PASTOR, Mr. SERRANO, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. MCGOVERN, Mr. SANDERS, Mr. GEORGE MILLER of California, Mr. HOLT, Mr. OLVER, Mr. STARK, Mrs. DAVIS of California, Ms. LEE, Ms. WOOLSEY, Mr. WAXMAN, Mr. SABO, Mr. DOGGETT, Mr. CONYERS, Mr. TIERNEY, Mr. ALLEN, Mr. DAVIS of Illinois, Mrs. MALONEY, and Ms. MILLENDER-MCDONALD):

H.R. 952. A bill to prohibit the transfer or return of persons by the United States, for the purpose of detention, interrogation, trial, or otherwise, to countries where torture or other inhuman treatment of persons occurs; to the Committee on International Relations.

By Mr. MENENDEZ (for himself, Mr. BURTON of Indiana, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. DELAHUNT, Mrs. NAPOLITANO, Ms. HARRIS, Mr. MEEKS of New York, Mr. PAYNE, Ms. LEE, Mr. BERMAN, Mr. ACKERMAN, Mr. SHERMAN, Mr. WEXLER, Mr. ENGEL, Mr. CROWLEY, Ms. CORRINE BROWN of Florida, Mr. GONZALEZ, Mr. RUSH, Mr. MCGOVERN, Mr. GUTIERREZ, Mr. RANGEL, Mr. OWENS, Mr. SERRANO, Mr. REYES, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Ms. VELÁZQUEZ, Ms. LINDA T. SÁNCHEZ of California, and Mr. BACA):

H.R. 953. A bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself and Mr. HOLDEN):

H.R. 954. A bill to improve the safety of rural roads; to the Committee on Transportation and Infrastructure.

By Mr. OLVER (for himself and Mr. GILCHREST):

H.R. 955. A bill to amend the Clean Air Act to establish an inventory, registry, and information system of United States greenhouse gas emissions to inform the public and private sectors concerning, and encourage voluntary reductions in, greenhouse gas emissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OLVER (for himself, Mr. BASS, Mr. BRADLEY of New Hampshire, Mr. MCGOVERN, Mr. MARKEY, Mr. MEEHAN, and Mr. TIERNEY):

H.R. 956. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Resources.

By Ms. PELOSI (for herself and Mr. LANTOS):

H.R. 957. A bill to clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. PETRI (for himself, Mr. KANJORSKI, and Mr. RAHALL):

H.R. 958. A bill to amend the Internal Revenue Code of 1986 to provide a credit and a deduction for small political contributions; to the Committee on Ways and Means.

By Mr. PITTS (for himself, Mr. ENGLISH of Pennsylvania, Mr. NEUGEBAUER, Mr. OTTER, Mr. HASTINGS of Florida, Mr. TAYLOR of Mississippi, and Ms. HOOLEY):

H.R. 959. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain mass transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. PLATTS:

H.R. 960. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Government Reform.

By Mr. PLATTS:

H.R. 961. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and to increase the lump sum death payment to reflect changes in the cost of living; to the Committee on Ways and Means.

By Mr. PLATTS (for himself and Mr. SKELTON):

H.R. 962. A bill to amend title 10, United States Code, to allow faculty members at Department of Defense service academies and schools of professional military education to secure copyrights for certain scholarly works that they produce as part of their official duties in order to submit such works for publication, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself and Mr. MURTHA):

H.R. 963. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, 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. RENZI (for himself, Mr. ABERCROMBIE, Mr. LYNCH, Mr. TERRY, Mr. ROSS, and Mrs. JO ANN DAVIS of Virginia):

H.R. 964. A bill to amend title XVIII of the Social Security Act to recognize the services of respiratory therapists under the plan of care for home health services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 965. A bill to hold accountable Members of Congress who advocate on behalf of a foreign person or commercial entity for the

purpose of influencing or seeking a change in a law or regulation of the United States that would ease any restriction on a state sponsor of terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, 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. SAXTON:

H.R. 966. A bill to require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences prior to any relicensing of that facility; to the Committee on Energy and Commerce.

By Mr. SAXTON:

H.R. 967. A bill to provide that normal trade relations treatment may not be extended to the products of any country the government of which engages in certain violations of human rights; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. FOLEY, Mr. BILIRAKIS, Mr. WILSON of South Carolina, Mr. SMITH of New Jersey, Mr. LYNCH, Mr. PAUL, Mr. WHITFIELD, Mr. EDWARDS, Mr. MILLER of Florida, Mr. BROWN of South Carolina, Mr. MCGOVERN, Mr. ANDREWS, Mr. CALVERT, Mr. TOM DAVIS of Virginia, Mr. PICKERING, and Mr. LOBIONDO):

H.R. 968. A bill to amend title 10, United States Code, to change the effective date for paid-up coverage under the military Survivor Benefit Plan from October 1, 2008, to October 1, 2005; to the Committee on Armed Services.

By Ms. SCHAKOWSKY (for herself, Ms. SOLIS, Ms. NORTON, Mr. EVANS, Mr. MCGOVERN, Mr. DOGGETT, Mr. SERRANO, Mr. WEXLER, Mr. BRADY of Pennsylvania, Mr. SANDERS, Ms. KILPATRICK of Michigan, Mr. BUTTERFIELD, Mr. MCDERMOTT, Mr. STARK, Mr. NADLER, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Ms. CARSON, and Ms. WOOLSEY):

H.R. 969. A bill to provide additional protections for recipients of the earned income tax credit, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mrs. BONO):

H.R. 970. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMMONS:

H.R. 971. A bill to extend the deadline for commencement of construction of certain hydroelectric projects in Connecticut, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. PAYNE, Mr. BLUNT, Mr. WOLF, Mr. CARDIN, Ms. ROS-LEHTINEN, Mr. PITTS, Mr. PENCE, and Mr. FALEOMAVAEGA):

H.R. 972. A bill to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Armed Services, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. SHAYS, Mr. SHERMAN, Mr. ENGLISH of Pennsylvania, Mr. KIND, Mr. WOLF, Mr. EMANUEL, Mr. HEFLEY, and Mr. DAVIS of Florida):

H.R. 973. A bill to establish the Program Reform Commission to review unnecessary Federal programs and make recommendations for termination, modification, or retention of such programs, and to express the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform.

By Mr. SMITH of Washington (for himself, Mr. SHAYS, Mr. SHERMAN, Mr. ENGLISH of Pennsylvania, Mr. KIND, Mr. WOLF, Mr. EMANUEL, Mr. HEFLEY, and Mr. DAVIS of Florida):

H.R. 974. A bill to establish the Corporate Subsidy Reform Commission to review inequitable Federal subsidies and make recommendations for termination, modification, or retention of such subsidies, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform, 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. TANCREDO (for himself, Mr. UDALL of Colorado, Mr. BEAUPREZ, Mr. OTTER, Mr. HEFLEY, and Mrs. MUSGRAVE):

H.R. 975. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. JONES of North Carolina, Mr. SESSIONS, Mr. BOUCHER, Mr. SAXTON, Mr. KENNEDY of Minnesota, Mr. PAUL, Ms. GINNY BROWN-WAITE of Florida, Mr. SIMPSON, Mr. MCCOTTER, Mrs. MUSGRAVE, Mr. SOUDER, Mr. GORDON, Mr. HYDE, and Mr. PETERSON of Minnesota):

H.R. 976. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Ways and Means.

By Mr. TIAHRT:

H.R. 977. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions; to the Committee on Education and the Workforce.

By Mr. TIAHRT:

H.R. 978. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions; to the Committee on Education and the Workforce.

By Mr. TIAHRT:

H.R. 979. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions; to the Committee on Education and the Workforce.

By Mr. TIAHRT:

H.R. 980. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions; to the Committee on Education and the Workforce.

By Mr. TIAHRT:

H.R. 981. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions; to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado:

H.R. 982. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, 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. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Mr. LEACH, Mr. PALLONE, Mr. WAXMAN, Mr. SHAYS, and Mr. PLATTS):

H.R. 983. A bill to amend title VI of the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable energy portfolio standard for certain retail electric utilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself, Mr. SERRANO, Mr. GRIJALVA, Mr. MENENDEZ, Mr. MCDERMOTT, Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, and Mr. HINOJOSA):

H.R. 984. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mrs. WILSON of New Mexico (for herself, Mrs. CHRISTENSEN, Mr. OTTER, Mr. GORDON, Mrs. JOHNSON of Connecticut, Mr. WYNN, Mr. MCHUGH, Mr. RUSH, Mr. KING of New York, Mr. ENGEL, Mr. PLATTS, Mr. UDALL of New Mexico, Mr. LOBIONDO, Mr. RANGEL, Mr. SAXTON, Mr. NEAL of Massachusetts, Mr. ENGLISH of Pennsylvania, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. LEE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. PAYNE, Mr. SCOTT of Virginia, Ms. WATSON, Mr. OLVER, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. FATTAH, Mr. FORD, Mr. AL GREEN of Texas, Mr. JEFFERSON, Ms. KILPATRICK of Michigan, Mr. LEWIS of

Georgia, Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. WATT, Mr. CROWLEY, Mr. GERLACH, and Mr. WALSH):

H.R. 985. A bill to provide for the establishment of a Bipartisan Commission on Medicaid; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico (for herself, Mr. BOSWELL, Mr. BERRY, Mr. BOEHNER, Mr. CARDOZA, Mr. DAVIS of Alabama, Mr. ENGLISH of Pennsylvania, Mr. ETHERIDGE, Mr. HOLT, Mr. HOLDEN, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, Mr. PEARCE, Mr. MOORE of Kansas, Mr. PAUL, Mr. SHIMKUS, Mr. SIMPSON, Mr. TIBERI, Mr. SHERMAN, Mr. WILSON of South Carolina, Mr. SIMMONS, Mr. UDALL of New Mexico, Mr. SOUDER, Mr. MILLER of Florida, Ms. CARSON, Mr. ALLEN, Mr. BEAUPREZ, and Mr. DAVIS of Kentucky):

H.R. 986. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for teachers and principals who work in certain low income schools; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself, Ms. LEE, Mr. BOSWELL, Mr. COOPER, Mr. GRIJALVA, Mr. KILDEE, Mr. WAXMAN, Mr. CUMMINGS, Ms. KAPTUR, Mr. MEEKS of New York, Mr. VAN HOLLEN, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. GUTIERREZ, Mrs. MCCARTHY, Mr. NADLER, Mrs. CHRISTENSEN, Mr. OWENS, Mr. LANTOS, Mr. TIERNEY, Mr. BUTTERFIELD, Mr. WEINER, Ms. HARMAN, Mr. MCINTYRE, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 987. A bill to provide funding for programs at the National Institute of Environmental Health Sciences regarding breast cancer in younger women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself, Mr. KING of New York, Mrs. MALONEY, and Mr. CANNON):

H.R. 988. A bill to require the Secretary of the Treasury to mint coins in commemoration of the founding of America's National Parks, and for other purposes; to the Committee on Financial Services.

By Mr. COOPER (for himself, Mr. CARDOZA, Mr. MATHESON, Mr. BOYD, Mr. ROSS, Mr. BARROW, Mr. CASE, Mr. MICHAUD, Mr. DAVIS of Tennessee, Mr. SALAZAR, Ms. HARMAN, Mr. THOMPSON of California, Mr. COSTA, Mr. BOSWELL, Ms. HERSETH, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. CHANDLER, Mr. TANNER, Mr. FORD, Mr. BERRY, Mr. MCINTYRE, Mr. BISHOP of Georgia, and Mr. TAYLOR of Mississippi):

H.J. Res. 22. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Ms. HERSETH (for herself and Mrs. CUBIN):

H.J. Res. 23. A joint resolution disapproving the rule submitted by the Department of Agriculture relating to the establishment of minimal-risk regions for the introduction of bovine spongiform encephalopathy into the United States; to the Committee on Agriculture.

By Mr. HOYER (for himself, Mr. BERMAN, Mr. SENSENBRENNER, Mr. SABO, and Mr. PALLONE):

H.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States to repeal the 22nd amendment to the Constitution; to the Committee on the Judiciary.

By Mr. MICHAUD:

H.J. Res. 25. A joint resolution proposing an amendment to the Constitution of the United States relating to the maintenance of a system of social insurance that provides social security for its citizens; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself and Mr. BAIRD):

H.J. Res. 26. A joint resolution proposing an amendment to the Constitution of the United States relating to Congressional succession; to the Committee on the Judiciary.

By Mr. CHABOT:

H. Con. Res. 70. Concurrent resolution expressing the sense of Congress that the United States should strongly oppose China's anti-secession legislation with respect to Taiwan; to the Committee on International Relations.

By Ms. LEE (for herself, Ms. CORRINE BROWN of Florida, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Ms. KILPATRICK of Michigan, Mr. SERRANO, Mr. PAYNE, Mr. RANGEL, Mr. TOWNS, Mr. WATT, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Mr. RUSH, Mr. OWENS, Mr. KUCINICH, Mr. WEINER, Mr. CUMMINGS, Ms. NORTON, Mr. LANTOS, Mr. HASTINGS of Florida, Mr. FORD, Mr. ENGEL, Mr. MEEK of Florida, Mr. CLAY, Mr. JEFFERSON, Mr. GRIJALVA, Ms. WATERS, and Ms. JACKSON-LEE of Texas):

H. Con. Res. 71. Concurrent resolution expressing the sense of Congress that there should be established a Caribbean-American Heritage Month; to the Committee on Government Reform.

By Mr. MARKEY (for himself, Mr. HOBSON, Mr. CAPUANO, Mr. OLVER, Mr. MEEHAN, Mr. MCGOVERN, Mr. TIERNEY, Mr. LYNCH, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. JACKSON of Illinois, Mr. THOMPSON of Mississippi, Ms. KILPATRICK of Michigan, Mr. CLEAVER, Mr. RUSH, Mr. HASTINGS of Florida, Mr. CUMMINGS, Mr. JEFFERSON, Mrs. CHRISTENSEN, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. SCOTT of Virginia, Mr. DELAHUNT, Mr. NEAL of Massachusetts, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Ms. LEE, Ms. WATSON, Mr. MEEK of Florida, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, and Mr. TOWNS):

H. Con. Res. 72. Concurrent resolution expressing the sense of Congress that W.E.B. DuBois should be recognized for his legacy of devotion civil rights and scholarly advancement, and as a defender of freedom; to the Committee on Education and the Workforce.

By Mr. MCCRERY:

H. Con. Res. 73. Concurrent resolution supporting the goals and ideals of National High School Seniors Voter Registration Day; to the Committee on House Administration.

By Mr. MEEKS of New York (for himself, Ms. LEE, Mr. PAYNE, Mr. CROWLEY, Mrs. CHRISTENSEN, Mr. RANGEL, Ms. CARSON, and Mr. CONYERS):

H. Con. Res. 74. Concurrent resolution expressing the sense of Congress with respect to the urgency of providing adequate assistance to the Co-operative Republic of Guyana devastated by severe flooding as a result of torrential rains from late December 2004 to January 2005; to the Committee on International Relations.

By Mr. MEEKS of New York:

H. Con. Res. 75. Concurrent resolution expressing the sense of the Congress that the illegal importation of prescription drugs severely undermines the regulatory protections afforded to United States consumers, 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. MILLER of Florida:

H. Con. Res. 76. Concurrent resolution expressing the sense of Congress that the United States should urge the People's Republic of China not to enact into law the so-called ''anti-secession'' legislation with respect to Taiwan and should reaffirm its unwavering commitment to Taiwan, and for other purposes; to the Committee on International Relations.

By Mr. RUSH (for himself, Mr. BUTTERFIELD, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. FILNER, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. MOORE of Kansas, Mr. OWENS, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CLAY, Mr. DAVIS of Alabama, Mr. FATTAH, Mr. FORD, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, Ms. LEE, Ms. ZOE LOFGREN of California, Mr. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. TOWNS, Mr. UPTON, Ms. WATSON, Mr. MCDERMOTT, Mr. RANGEL, and Mr. HASTINGS of Florida):

H. Con. Res. 77. Concurrent resolution expressing the sense of Congress with respect to the murder of Emmett Till; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Ms. ROS-LEHTINEN, Mr. ACKERMAN, and Mr. BERMAN):

H. Con. Res. 78. Concurrent resolution expressing the grave concern of Congress regarding the arrest of Ayman Nour, the leader of the Al Ghad party, by the Government of the Arab Republic of Egypt and the support of Congress for continued progress toward democracy in Egypt; to the Committee on International Relations.

By Mr. ISSA (for himself, Mr. JONES of North Carolina, Mr. BLUNT, Ms. KAPTUR, Mr. LAHOOD, Mr. RAHALL, Mrs. NAPOLITANO, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. COOPER, Mr. DAVIS of Tennessee, Mr. COX, Mr. GARRETT of New Jersey, Mr. FLAKE, Mr. KOLBE, Mr. GILCHREST, Mrs. CUBIN, Mr. POMBO, Mr. CUNNINGHAM, Mr. REYES, Mr. ROHRABACHER, Mr. HAYES, Mr. GREEN of Wisconsin, Mr. WELLER, Mr. JENKINS, Mr. KENNEDY of Minnesota, Mr. SOUDER, Mr. NUNES, Mrs. KELLY, Mrs. CAPITO, Mr. REHBERG, Mrs. WILSON of New Mexico, Mr. OSBORNE, Mr. REYNOLDS, Mr. WICKER, Mr. BEAUPREZ, Mr. BOUSTANY, Mr. FERGUSON, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. DENT, Mr. SHAW, Mr. KILDEE, Ms. BORDALLO, Mr. CASE, Mr.

EHLERS, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. WILSON of South Carolina, Mr. BARROW, Mr. SAM JOHNSON of Texas, Mr. EVANS, Mr. LYNCH, Mr. MCCOTTER, Mr. MCHENRY, Mr. PUTNAM, Ms. BEAN, Mr. BISHOP of New York, Mr. BRADY of Pennsylvania, Ms. KILPATRICK of Michigan, Mr. PICKERING, Mr. COSTA, Mrs. DAVIS of California, Ms. WATSON, Mr. MARKEY, Mr. FARR, Mr. HERGER, Mr. HOSTETTLER, Mr. MORAN of Virginia, Mr. HEFLEY, Mr. DUNCAN, Mr. KLINE, Ms. SLAUGHTER, Mr. FOLEY, Mr. MCDERMOTT, Mr. PENCE, Mr. WHITFIELD, Mr. TANCREDO, Mr. SHIMKUS, Mr. MCGOVERN, Mr. REICHERT, Mr. RAMSTAD, Mr. MENENDEZ, Mr. TOM DAVIS of Virginia, Mr. PALLONE, Mrs. MCCARTHY, Mr. KUCINICH, Mr. COSTELLO, Ms. BERKLEY, Mr. MILLER of Florida, Mr. SENSENBRENNER, Mr. WELDON of Pennsylvania, Mr. SNYDER, Mr. PEARCE, Ms. FOXX, Mr. BISHOP of Georgia, Mr. FOSSELLA, Mr. CANTOR, Mr. AKIN, Mr. PORTER, Mr. KELLER, Mr. ROYCE, Mr. CANNON, Mr. DANIEL E. LUNGREN of California, Mr. SCHWARZ of Michigan, and Mr. CARTER):

H. Res. 119. A resolution recognizing the contributions of the United States Marine Corps and other units of the United States Armed Forces on the occasion of the 60th anniversary of the Battle of Iwo Jima during World War II; to the Committee on Armed Services.

By Mr. BLUMENAUER (for himself and Mr. LEACH):

H. Res. 120. A resolution commending the outstanding efforts by members of the Armed Forces and civilian employees of the Department of State and the United States Agency for International Development in response to the earthquake and tsunami of December 26, 2004; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER (for himself, Mr. TANNER, Mr. CARDOZA, Mr. MATHESON, Mr. BOYD, Mr. ROSS, Mr. BARROW, Mr. CASE, Mr. MICHAUD, Mr. DAVIS of Tennessee, Mr. SALAZAR, Ms. HARMAN, Mr. THOMPSON of California, Mr. COSTA, Mr. BOSWELL, Ms. HERSETH, Mr. MELANCON, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. CHANDLER, Mr. FORD, Mr. BERRY, Mr. MCINTYRE, Mr. BISHOP of Georgia, Mr. SCHIFF, and Mr. TAYLOR of Mississippi):

H. Res. 121. A resolution amending the Rules of the House of Representatives to strengthen the budget process; to the Committee on Rules.

By Mr. HOLT (for himself and Mr. TIBERI):

H. Res. 122. A resolution expressing the sense of the House of Representatives regarding the study of languages and supporting the designation of a Year of Languages; to the Committee on Education and the Workforce.

By Mr. KING of New York:

H. Res. 123. A resolution establishing a Select Committee on POW and MIA Affairs; to the Committee on Rules.

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 Mrs. CUBIN:

H.R. 989. A bill for the relief of Ashley Ross Fuller; to the Committee on the Judiciary.

By Mr. GILCHREST:

H.R. 990. A bill to provide for the transfer of the decommissioned destroyer ex-U.S.S. Forrest Sherman (DD-931) to the USS Forrest Sherman DD-931 Foundation, Inc., a nonprofit organization under the laws of the State of Maryland; to the Committee on Armed Services.

By Mr. LATOURETTE:

H.R. 991. A bill for the relief of Michael Dvorkin; to the Committee on the Judiciary.

By Mr. LATOURETTE:

H.R. 992. A bill for the relief of Zdenko Lisak; to the Committee on the Judiciary.

By Mr. MORAN of Virginia:

H.R. 993. A bill for the relief of Van Lien Tran, Xuan Mai T. Che, Lien Mai Binh Tran, Kim Hoan Thi Nguyen, and Nam V. Nguyen; 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. 3: Mr. FRANK of Massachusetts.

H.R. 21: Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOYD, Mr. CAPUANO, Mr. CARDIN, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. CRAMER, Mr. CASE, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Mr. DEFAZIO, Mr. DELAHUNT, Mr. DICKS, Mr. EMANUEL, Mr. ENGEL, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. MARSHALL, Mr. MATHESON, Mrs. MCCARTHY, Ms. MCCOLLUM of MINNESOTA, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. LYNCH, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PASCRELL, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Mr. GRIJALVA, Mr. HOYER, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KANJORSKI, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SKELTON, Mr. SCOTT of Virginia, Mr. STRICKLAND, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. ROSS, Mr. WATT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. ENGLISH of Pennsylvania, Mrs. BIGGERT, Mr. CHABOT, Mrs. CAPITO, Mr. COLE of Oklahoma, Mr. HUNTER, Mr. HYDE, Mrs. KELLY, Mr. GARRETT of New Jersey, Mr. HOSTETTLER, Mr. KNOLLENBERG, Mrs. MUSGRAVE, Mr. OSBORNE, Mr. PETERSON of Pennsylvania, Mr. YOUNG of Alaska, Mr. LATOURETTE, Ms. PRYCE of Ohio, Mr. WALDEN of Oregon, and Mr. WHITFIELD.

H.R. 27: Mr. LATHAM.

H.R. 37: Mr. GOHMERT.

H.R. 41: Mr. OTTER.

H.R. 44: Mr. RUPPERSBERGER, Mr. CARDIN, Mr. WYNN, Mr. HOYER, and Mr. VAN HOLLEN.

H.R. 49: Mr. PRICE of North Carolina.

H.R. 64: Mr. GERLACH.

H.R. 65: Mr. SOUDER, Mr. PAUL, Mr. CALVERT, Mr. HOSTETTLER, Mr. JONES of North Carolina, Mr. CUNNINGHAM, Mr. THORNBERRY, Mr. SAM JOHNSON of Texas, Ms. CARSON, Mr. SESSIONS, Mr. WEXLER, and Mr. PITTS.

H.R. 66: Mr. OSBORNE.

H.R. 68: Mr. CRENSHAW, Mr. KINGSTON, Mr. LAHOOD, Mr. ROGERS of Alabama, Ms. SLAUGHTER, Mr. YOUNG of Florida, Mrs. BIGGERT, Mr. COBLE, Mr. GINGREY, Ms. HARRIS, Mr. HULSHOF, Mr. KELLER, Mr. KING of New York, Mr. KIRK, Mr. MCHUGH, Mrs. MYRICK, Mr. ROGERS of Kentucky, Mr. SIMMONS, Mr. SODREL, Mr. UPTON, Mr. YOUNG of Alaska, Mr. KNOLLENBERG, and Mr. KILDEE.

H.R. 69: Mr. BARRETT of South Carolina, Mr. TAYLOR of Mississippi, and Mr. LIPINSKI.

H.R. 114: Mr. KENNEDY of Rhode Island.

H.R. 115: Mr. BOEHLERT.

H.R. 128: Mr. OLVER, Mr. CUMMINGS, and Mr. ORTIZ.

H.R. 132: Mr. GILLMOR.

H.R. 133: Mr. WEINER.

H.R. 135: Mr. BUTTERFIELD.

H.R. 136: Mr. BARRETT of South Carolina.

H.R. 147: Mr. GILLMOR, Mr. BLUNT, Mr. LIPINSKI, and Mr. PICKERING.

H.R. 192: Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. PASTOR, Mr. REYES, Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mr. ORTIZ, Mr. MCNULTY, Mr. MARKEY, and Mr. SCHIFF.

H.R. 213: Mr. MARKEY.

H.R. 215: Mr. WEXLER.

H.R. 225: Mr. WEINER.

H.R. 226: Mr. LIPINSKI.

H.R. 227: Mr. WEINER.

H.R. 282: Mrs. BONO, Mr. MEEK of Florida, and Mr. CLAY.

H.R. 284: Mr. JOHNSON of Illinois.

H.R. 292: Mr. HOSTETTLER, Mr. BLUMENAUER; Mr. ROGERS of Michigan, Mr. BARRETT of South Carolina, and Mr. GERLACH.

H.R. 303: Ms. WOOLSEY.

H.R. 311: Mr. ANDREWS, Ms. ROYBAL-ALLARD, Mr. HONDA, Ms. SCHAKOWSKY, Ms. WOOLSEY, Ms. KILPATRICK of Michigan, Mr. UDALL of New Mexico, Mr. CUMMINGS, Mr. STARK, Mr. SERRANO, Ms. WASSERMAN SCHULTZ, Mr. COSTA, Mr. SCOTT of Georgia, Mr. RUPPERSBERGER, Mr. LEWIS of Georgia, Ms. WATERS, Mr. WATT, Mr. GENE GREEN of Texas, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. SALAZAR, Mr. CUELLAR, Mr. BUTTERFIELD, Mr. CASE, Mr. MCINTYRE, Mr. HOLDEN, Mr. RENZI, Mr. MURTHA, Mr. DOGGETT, Mr. FATTAH, Mr. SIMPSON, Ms. HARMAN Mr. BECERRA, Mr. GUTIERREZ, Mr. REYES, Mr. HINOJOSA, Ms. BERKLEY, Mr. THOMPSON of California, Mr. MENENDEZ, Mr. CROWLEY, Mr. KUCINICH, Mr. ABERCROMBIE, Mr. RAHALL, Mr. DOYLE, Mr. LARSON of Connecticut, Mrs. CAPPS, Ms. MILLENDER-MCDONALD, Ms. SLAUGHTER, and Mrs. MCCARTHY.

H.R. 312: Mr. OLVER.

H.R. 313: Mr. HULSHOF.

H.R. 314: Mr. HULSHOF.

H.R. 328: Mr. LANTOS, Mr. PAYNE, Mr. ORTIZ, Mr. BROWN, of South Carolina, Mr. CLEAVER, Mr. LARSON of Connecticut, Mr. PETERSON of Minnesota, Mr. CONYERS, and Mr. WEXLER.

H.R. 331: Mr. KIND.

H.R. 354: Mrs. NORTHUP and Mr. BUTTERFIELD.

H.R. 358: Mr. BARROW, Mr. AL GREEN of Texas, Mr. LANGEVIN, Mr. BOREN, Mr. DOOLITTLE, Mrs. EMERSON, Ms. WASSERMAN

SCHULTZ, Ms. SCHWARTZ of Pennsylvania, Mr. POMEROY, Mr. SABO, Mr. PAYNE, Ms. ROYBAL-ALLARD, Mr. BECERRA, Mr. LIPINSKI, Ms. CORRINE BROWN of Florida, Mr. GENE GREEN of Texas, Mr. EVERETT, Mr. WICKER, and Mr. SHERMAN.

H.R. 369: Mr. BUTTERFIELD and Mr. SCHIFF.

H.R. 371: Mr. DAVIS of Illinois.

H.R. 373: Mrs. MALONEY, Mr. GONZALEZ, Mr. PRICE of North Carolina, Mr. CAPUANO, Mr. TIERNEY, Mr. DAVIS of Illinois, Mr. OLVER, and Mr. KENNEDY of Rhode Island.

H.R. 380: Mr. LUCAS.

H.R. 387: Mr. GILLMOR, Mr. COLE of Oklahoma, Mr. WILSON of South Carolina, Mr. OWENS, Mr. JONES of North Carolina, Mr. MCCAUL of Texas, Mr. ROSS, Mr. JEFFERSON, Mr. KENNEDY of Minnesota, Mr. KUHL of New York, Mr. BAKER, Mrs. JO ANN DAVIS of Virginia, Mr. WAMP, Mr. GOODE, Mrs. MYRICK, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. BARRETT of South Carolina, Mr. SODREL, Mr. HOSTETTLER, Mr. FEENEY, Mr. MCHENRY, Mr. MARCHANT, Mr. PENCE, Mr. BRADY of Texas, Mr. MELANCON, Mr. RYUN of Kansas, Ms. ESHOO, Mr. BOUSTANY, Mr. BOUCHER, and Mr. SOUDER.

H.R. 389: Mr. GUTKNECHT.

H.R. 415: Mr. SABO, Mr. YOUNG of Florida, Mr. LEWIS of Georgia, and Mr. UPTON.

H.R. 438: Mrs. BONO, Mr. STARK, and Ms. ZOE LOFGREN of California.

H.R. 456: Mr. BISHOP of Utah.

H.R. 458: Mr. FOLEY.

H.R. 461: Mr. CASE.

H.R. 475: Mr. OLVER, Mr. BLUMENAUER, Mr. GUTIERREZ, and Mr. LARSON of Connecticut.

H.R. 476: Mr. GUTIERREZ.

H.R. 496: Mr. OBERSTAR and Ms. LEE.

H.R. 501: Ms. JACKSON-LEE of Texas.

H.R. 503: Mr. CRENSHAW, Mr. JONES of North Carolina, Mr. KILDEE, Mr. VAN HOLLEN, Mr. FARR, Mr. KING of New York, Mr. SHERMAN, Mr. DICKS, Mr. LEVIN, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. LEWIS of California, Ms. SCHAKOWSKY, Mrs. MALONEY, Mr. HASTINGS of Florida, Mr. STRICKLAND, Ms. WOOLSEY, Mr. MCNULTY, Mr. HINCHEY, and Mr. STARK.

H.R. 511: Mr. WEINER.

H.R. 513: Mr. BASS and Mr. BISHOP of New York.

H.R. 516: Mr. PRICE of Georgia.

H.R. 517: Mr. NUNES and Mr. REICHERT.

H.R. 523: Mr. GOODE and Mr. GARRETT of New Jersey.

H.R. 525: Mr. BARRETT of South Carolina, Mr. BOUSTANY, and Mr. BURTON of Indiana.

H.R. 535: Mr. FILNER, Ms. JACKSON-LEE of Texas, and Ms. WATERS.

H.R. 551: Mr. MCDERMOTT, Ms. WATSON, Mr. GRIJALVA, Ms. LEE, Ms. MCCOLLUM of Minnesota, Mr. KUCINICH, Mr. CONYERS, Mr. WEXLER, and Mr. NADLER.

H.R. 556: Mr. FITZPATRICK of Pennsylvania and Mr. UPTON.

H.R. 558: Mr. BASS, Mr. CASE, Mr. SCOTT of Georgia, and Mr. PASTOR.

H.R. 559: Mr. UDALL of New Mexico.

H.R. 561: Mr. UPTON.

H.R. 562: Mr. BARTLETT of Maryland.

H.R. 566: Mr. BUTTERFIELD.

H.R. 567: Mr. BAIRD, Mr. CASE, Mr. LEWIS of Georgia, and Ms. ROYBAL-ALLARD.

H.R. 596: Mr. RUSH, Mr. GREEN of Wisconsin, Mr. CONYERS, and Mr. PAYNE.

H.R. 598: Mr. KENNEDY of Rhode Island.

H.R. 601: Ms. HARMAN and Mr. SNYDER.

H.R. 602: Mr. MCINTYRE, Mr. RUPPERSBERGER, Mr. ORTIZ, Mr. NEAL of Massachusetts, Mr. CASE, Mr. DAVIS of Alabama, and Ms. WATERS.

H.R. 615: Mr. MILLER of Florida, Mr. GENE GREEN of Texas, Ms. DELAURO, Mr. FILNER, Mr. CRAMER, Mr. SMITH of Washington, Mr. MCINTYRE, and Ms. VELÁZQUEZ.

H.R. 616: Mr. MCINTYRE, Mr. EMANUEL, and Mr. CASE.

H.R. 623: Mr. SESSIONS and Mr. GOODE.

H.R. 625: Ms. CARSON and Mr. NEAL of Massachusetts.

H.R. 649: Mr. CLAY.

H.R. 653: Mr. BOSWELL, Mr. CROWLEY, Mr. BISHOP of Georgia, Mr. LARSON of Connecticut, Mr. PETERSON of Minnesota, Mr. GUTIERREZ, Mr. CLEAVER, Mrs. MALONEY, Mr. MICHAUD, Mr. MCNULTY, and Mr. SCOTT of Georgia.

H.R. 670: Mr. BUTTERFIELD.

H.R. 682: Mr. GOHMERT.

H.R. 685: Mr. LEACH, Mr. PAUL, Mr. BROWN of South Carolina, Miss MCMORRIS, Mr. REHBERG, Mr. BISHOP of Utah, Mr. FLAKE, Mr. KINGSTON, Mr. GALLEGLY, Mr. TANCREDO, Mr. PICKERING, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. HAYWORTH, and Mr. EVERETT.

H.R. 686: Mr. CARDIN, Mr. WEXLER, and Mr. RANGEL.

H.R. 691: Mr. BARTLETT of Maryland.

H.R. 712: Mr. MORAN of Kansas.

H.R. 728: Mr. GUTIERREZ and Mr. NORWOOD.

H.R. 737: Mr. SANDERS, Ms. JACKSON-LEE of Texas, and Mr. CASE.

H.R. 748: Mr. RYAN of Wisconsin, Mr. KLINE, Mr. MCHUGH, Mr. SKELTON, Mr. SIMPSON, Mr. HALL, and Mr. MILLER of Florida.

H.R. 752: Mr. CUMMINGS, Ms. WOOLSEY, Mr. OWENS, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. FILNER, Mr. MCNULTY, Mr. SANDERS, Mr. SNYDER, and Mr. LIPINSKI.

H.R. 759: Mr. MCDERMOTT, Mr Wexler, Mr. MCNULTY, and Mr. ALLEN.

H.R. 765: Mr. OWENS, Mr. PETERSON of Minnesota, Mr. WELDON of Florida, Mr. HASTINGS of Washington, and Mr. CROWLEY.

H.R. 769: Mr. MCNULTY.

H.R. 771: Mr. CUMMINGS.

H.R. 772: Mr. MILLER of Florida.

H.R. 790: Mr. SABO, Mr. MILLER of North Carolina, and Mr. WATT.

H.R. 791: Mr. KILDEE, Mr. DICKS, Mr. SIMMONS, Mr. ORTIZ, Mr. CUMMINGS, and Ms. SOLIS.

H.R. 792: Mr. KIND.

H.R. 795: Mr. EHLERS, Mr. ISSA, Mr. CAMP, Mr. WOLF, Mr. LANTOS, Mr. HERGER, Mr. WEINER, Mr. SKELTON, and Mr. UPTON.

H.R. 800: Mr. DENT, Mr. KNOLLENBERG, Mr. WALSH, Mr. SAM JOHNSON of Texas, Mr. SALAZAR, Mr. KLINE, Mr. KENNEDY of Minnesota, Mr. PLATTS, Mr. BEAUPREZ, Mr. CONAWAY, Mr. SAXTON, Mr. GERLACH, and Mr. MCHENRY.

H.R. 809: Mr. AKIN and Mr. WILSON of South Carolina.

H.R. 810: Mr. CHANDLER, Ms. CORRINE BROWN of Florida, Mr. ETHERIDGE, MR. WATT, Mr. FATTAH, Mrs. JONES of Ohio, Ms. VELÁZQUEZ, Mr. BACA, Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, Mr. UDALL of New Mexico, Mr. SERRANO, and Mr. BAIRD.

H.R. 817: Mr. PETRI and Mr. CLAY.

H.R. 818: Mr. GRIJALVA.

H.R. 819: Mr. EMANUEL.

H.R. 859: Mr. SIMMONS, Mr. NADLER, Mr. HOLDEN, Mr. MCGOVERN, Mr. SABO, and Mr. MCNULTY.

H.R. 864: Mr. MORAN of Virginia, Mr. MEEHAN, Mr. CONYERS, and Mr. BACA.

H.J. Res. 17: Mr. EVANS.

H. Con. Res. 35: Mr. CLAY.

H. Con. Res. 38: Mr. SNYDER.

H. Con. Res. 42: Mr. MCNULTY, Mr. WOLF, and Mr. MILLER of Florida.

H. Con. Res. 45: Mr. NEAL of Massachusetts and Mr. PORTER.

H. Con. Res. 50: Mr. DEFAZIO, Ms. GINNY BROWN-WAITE of Florida, Mr. GUTKNECHT, Mr. DEAL of Georgia, and Mr. FORBES.

H. Con. Res. 53: Mr. SMITH of Texas.

H. Res. 20: Mrs. BONO, Ms. GINNY BROWN-WAITE of Florida, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. KINGSTON, and Mr. SESSIONS.

H. Res. 30: Mr. BISHOP of New York, Mr. CASE, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. GRIJALVA, Mr. HOBSON, Ms. KILPATRICK of Michigan, Mr. MOORE of Kansas, Mrs. NAPOLITANO, Mr. OWENS, Mr. ROSS, Mr. SCHIFF, Mr. WYNN, Mr. EMANUEL, Ms. HARRIS, Mr. HONDA, Mr. RANGEL, Mr. SANDERS, and Ms. LORETTA SANCHEZ of California.

H. Res. 84: Mr. BOEHNER, Mr. KIND, and Mr. UPTON.

H. Res. 85: Mr. MCDERMOTT, Ms. LINDA T. SÁNCHEZ of California, Mr. SCHIFF, Mr. MICHAUD, Mr. WESTMORELAND, and Mr. PRICE of North Carolina.

H. Res. 91: Mr. LANTOS, Mr. HOLT, Mr. CONYERS, Mrs. MALONEY, Mr. HYDE, Mr. WILSON of South Carolina, Mr. COX, and Mr. FALEOMAVAEGA.

H. Res. 101: Mr. KING of Iowa, Mr. MCNULTY, Mrs. MCCARTHY, Mr. CROWLEY, Mr. SHIMKUS, Mr. WEINER, Mrs. JO ANN DAVIS of Virginia, Mr. NADLER, Mr. PITTS, Mr. LEACH, and Mr. SMITH of New Jersey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 227: Mr. JONES of North Carolina, Mr. FARR, Mr. KILDEE, Mr. SHERMAN, and Mr. VAN HOLLEN.

SENATE—*Thursday, February 17, 2005*

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

PRAYER

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

Let us pray.

Eternal Spirit, we are disappearing dust without You.

Draw near to us and enable us to find in Your presence our dignity and destiny. Give us the sovereign knowledge that we belong to You and have been created in Your image. Teach us to serve and love humanity.

Today, keep our Senators safe as they labor for You and country. Make their tomorrow bright through the unfolding of Your powerful providence. Guide them through the darkest night as they meditate on Your precepts. Show us the path to life and make us glad as we walk with You.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 17, 2005.

To the Senate:

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

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Madam President, today the Senate will begin with a period of morning business. Yesterday we debated the genetic nondiscrimination legislation and, as a reminder, we will vote on passage of that bill at 3 p.m. today.

Throughout today's session, we will also be working on clearing the high risk pooling bill, as well as the committee funding resolution. The chairman and ranking member have been working on a resolution related to Lebanon, and we may be able to clear that resolution for floor action.

Later today, I will have more to say on tomorrow's schedule and the schedule for when we return from the President's Day recess.

LEBANON'S FORMER PRIME MINISTER RAFIQ HARIRI

Mr. FRIST. Madam President, on leader time, I will make a very brief statement on the assassination of Rafiq Hariri.

On behalf of the Senate, I will spend these few moments to rise and condemn in the harshest terms the cowardly and despicable assassination of Lebanon's former Prime Minister Rafiq Hariri.

Monday, as Rafiq Hariri's motorcade was traveling along Beirut's Corniche seafront, a car bomb loaded with 600 pounds of explosives detonated, killing the former Prime Minister and 13 others.

Our condolences go out to the Hariri family and the people of Lebanon. They have lost a great man, and they have lost a beloved leader.

Rafiq Hariri served as Prime Minister in the aftermath of a devastating civil war that wrecked the country for 15 years. Over his 10 years in office, Prime Minister Hariri helped to revitalize the Lebanese economy and rebuild its shattered infrastructure, including the rebirth of Beirut's historic downtown district. His murder is a direct attack on the aspirations of the Lebanese people, and an attack on civilization itself.

We demand an investigation, and we demand that the killers, and any backers of the killers, be brought to justice.

Further, we strongly urge that Syria withdraw its 14,000 troops and intelligence personnel in accordance with the United Nations Security Council Resolution 1559 and the Syria Accountability and Lebanese Sovereignty Restoration Act passed by this body in 2003.

We support the President's decision to recall our Ambassador from Syria and urge the President to restrict the mobility of Syrian diplomats in Washington, DC, and at the United Nations in New York City.

Furthermore, we urge the President to seek a United Nations Security Council resolution that establishes an independent investigation into the assassination of the Prime Minister.

Today, the Lebanese people mourn the murder of a great leader. They line the streets—Christian, Druze, and Sunni—in an extraordinary show of unity.

Our message to them is clear: ''The United States Senate stands with you. Your voices will be heard.''

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 12 noon, 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 majority leader or his designee, and the remaining time shall be divided between the two leaders or their designees.

Mr. FRIST. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

THE BUDGET

Mr. DORGAN. Madam President, as we begin to debate the budget sent to us by President Bush, there will be a lot of discussion in the Chamber about spending restraints, about being conservative, and so on. The budget sent to us by President Bush proposes the highest budget deficit in the history of our country. I will be going to a hearing later this morning on the proposal to spend $82 billion more on Iraq and Afghanistan. That is not in the budget. It is an emergency request.

The President's proposed budget, with a deficit well over $400 billion in history, is short by somewhere around $80 billion that will be spent on an emergency in Iraq and Afghanistan, and it also uses the Social Security

trust fund, which could not be used for other purposes. So the real budget deficit is around $650 billion, which is a very serious problem. Our fiscal policy is off track, and we need to get it on track.

We are going to talk about spending issues as we go along in this budget process. There will be some discussion about big issues, and some about small issues.

Let me talk for a moment about two issues that represent, I think, a profound waste of taxpayers' money.

Let me introduce you to Fat Albert. This is an AEROSAT blimp, an AEROSAT balloon. Fat Albert has been around for some while. In fact, Fat Albert is tethered about 20,000 feet above the ground with thousands of feet of cable, and it is used with camera equipment to send television signals into Cuba to tell the Cuban people how wonderful life is in our country. Of course, they know how wonderful life is in our country, which is why they get on a boat to try to cross the waters to come to America. And if they decide not to get on the boat, they can simply tune into a Miami radio station and hear a little about America. But we are sending television signals into Cuba through TV Marti, which has been funded by the American taxpayers for 16 years.

We are broadcasting television signals which no one can see because Castro easily jams the signal. We did for a long while televise it from 3 o'clock in the morning until 8 o'clock in the morning. My guess is that, even if the signals got through, there aren't a lot of Cuban people up at 3 o'clock in the morning watching television. But, nonetheless, the signals don't get through because they are jammed by the Cuban Government.

For 16 years, despite the fact that we are broadcasting signals which no one can see, we have spent $189 million broadcasting signals from Fat Albert, tethered 20,000 feet above the ground, to Cubans who can't see it.

This year, what does the budget request? The budget request is to double the funding for TV Marti. It is unbelievable. People will not understand this when they look back and say, Wait a second; they spent nearly a quarter of $1 billion sending television signals no one could see for over 16 years? They will say, do you mean that at a time with record deficits the President wanted to double the budget for television signals no one can see?

Fat Albert once got loose with 20,000 feet of tethered cable following it. Fat Albert wandered into the Everglades. So the thing gets loose and goes over the Everglades, and they are chasing it with helicopters. Finally, it lands on the top of some trees in the Everglades. They had to find a way to get it off. Helicopters had to come down and commandos rappelled down to salvage the equipment. It is a comedy of errors.

But the administration has a plan now. They have decided they are going to get rid of Fat Albert, or maybe continue to use it but only part time. Now they want to buy an airplane for $8 million so they can send an airplane up to send television signals to TV Marti to the Cuban people who can't see them; $8 million for the airplane, $11 million for the broadcast, and $2 million for maintenance on the plane.

It is like Katy bar the door; it is as if there is no deficit.

It is unbelievable to me that we are going to continue to spend money we do not have on something we do not need, and send television signals from an aerostat balloon and now an airplane that viewers cannot see. This does not pass the laugh test.

I am no fan of Fidel Castro. I want the Cuban people to be free. I want democracy to come to Cuba.

But our country has decided, with China and with North Vietnam, both Communist countries, the best way to move a Communist country in the right direction is through travel and trade, through engagement. We have followed that rule with Communist China and Communist Vietnam, encouraging people to travel there and encouraging trade with both. The sole exception is with Cuba, where we have had an embargo for over 40 years. Fidel Castro has lived through 10 U.S. Presidencies. His message to the Cuban people is, of course, Our economy is in tatters; we have a 500-pound gorilla with its fist around our neck with an embargo.

The quicker way to remove Castro from office, in my judgment, is to open trade and travel to Cuba. Nonetheless, the administration does not want to do that.

So we have travel restrictions in Cuba. I have held up a poster of Joni Scott who went to Cuba to distribute free Bibles on the street corners in Havana. Do you know what happened to her? She got discovered by the U.S. Treasury Department and they slapped her with a $10,000 fine. I held up a picture of Joan Sloat who was a retired senior bicyclist who joined a Canadian bicycle troop to go biking in Cuba. They tracked her down as she was by her son's bedside, dying of brain cancer, and they decided to slap her with a big fine and then decided to attach her Social Security payments.

They are so obsessed in this administration with the issue of Cuba it does not matter how much money they waste. We have something called the Office of Foreign Assets Control, OFAC, down in the Treasury Department. It is supposed to be tracking the financing of terrorist organizations. Do you know what? They have nearly twice as many people working on tracking Americans suspected of taking a vacation in Cuba than they do tracking terrorists' moneys that are supporting Osama bin Laden's organization. It is unthinkable that is what they are doing, but that is what they are doing.

On top of all of that obsession, what we have is a program called Television Marti which does not work, which wastes every dollar it spends, and the President says, Let's double the funding, at a time when we have the highest budget deficit in the history of this country.

There are some areas of Federal spending that ought to be abolished. I, along with my colleague Senator WYDEN and others, will offer legislation to abolish this spending. It is unbelievable.

I didn't mention that on October 10, 2003, the President held a Rose Garden event to say he was going to supplement the efforts of Fat Albert to send signals to the Cubans because they are jammed, by taking a high-tech airplane, called a Commando Solo C–130. There are only a handful in the world and we have used them in big trouble spots in the world to be able to broadcast emergency signals to people. But the President announced he was going to use a National Guard Commando Solo C–130 to broadcast signals into Cuba. So they have been using Defense Department funds to broadcast signals to Cuba that are jammed. It is not enough, apparently, to broadcast signals from a big old aerostat balloon that the Cuban people cannot see, now we have a highly sophisticated C–130. And now even that is not enough. Now they want to buy a new airplane in this budget.

My hope is there are enough people in the Congress who understand waste is waste, not Republican waste or Democratic waste. Just waste. When it does not stand the test of common sense, and it does not even stand the basic laugh test with this kind of spending, my hope is Members of the Senate will join and decide this is the sort of thing that ought to be abolished.

One final point. I don't come here to try to abolish Radio Marti, although I don't think it is necessary. Radio Marti is broadcasting radio signals into Florida. They are often not jammed. The Cuban people receive them. I have been to Cuba and talked to the dissidents. They receive Radio Marti's broadcast. I don't propose we abolish it. But they do not see the Television Marti broadcast. We still have expensive studio space, pay expensive salaries, have aerosat balloons and now airplanes to broadcast it, despite the fact we know it is a complete, total waste of money. We know better than this. We ought to understand it and abolish it in this year's budget submitted by the President.

Let me mention one other area of spending that desperately needs to be abolished in this budget. It is not

giant; it is $8 million. But take $11 million for Fat Albert and the new airplane and Television Marti and $8 million here and there, and pretty soon we have a significant amount of money.

Last year and this year, the President recommended we build additional nuclear weapons—begin planning the design—and they especially talked about the earth-penetrating bunker buster nuclear weapon. Last year, the Congress said no. The President put it in his budget again this year. He wants $8 million to revive the project to create new earth-penetrating bunker buster nuclear weapons. The implication of creating a designer nuclear weapon is, we do not have enough nuclear weapons at the moment and they are perfectly usable if we find someone crawled in a cave or carrying on operations in a cave that we want to get to that we cannot get to.

If a country like ours is to send a signal to the rest of the world that we do not have enough nuclear weapons, that we believe we should design more nuclear weapons, that designer nuclear weapons make sense, and that nuclear weapons are usable, that is exactly the wrong signal to send to anyone in this world. The exclusive opportunity and requirement for us is to send a signal to the world that nuclear weapons should never again be used in anger under any circumstance.

We have thousands of them. The loss of one would cause an apoplectic seizure among the cities in our country. There was a time when it was thought one nuclear weapon from the Russian arsenal was stolen and it caused a great seizure among intelligence organizations and others because were a terrorist able to steal one nuclear weapon and threaten to detonate one nuclear weapon in a major American city, we are not talking about 100 deaths or 1,000 deaths, we are talking about hundreds of thousands of deaths. The loss of one nuclear weapon would be devastating if it got into the hands of terrorists.

We have thousands and thousands of nuclear weapons in this country. The estimate is somewhere—of course, it is classified—the estimate range of the Russian stockpile is somewhere perhaps in the area of 15,000 nuclear weapons; ours is something less than that but not much less than that. We have thousands and thousands and thousands of nuclear weapons between us and the Russians, with some other countries who have now joined that club who have nuclear weapons but are fewer in number.

The suggestion somehow that we do not have enough nuclear weapons, that we need more nuclear weapons, and that nuclear weapons are usable, especially if we have an issue with people holing up in a cave or strategic materials holed up in a cave, that we cannot get to that, so we can lob in an earth penetrator, a designer bunker buster nuclear weapon, and that we can use it—that message from this country is a devastating message that sets back the opportunity for this country to play a leadership role in stopping the spread of nuclear weapons everywhere, making sure we do not ever have testing of nuclear weapons anywhere. It is our job, our responsibility, to be a world leader on this issue.

Given the new reality of the war on terrorism and what terrorists would like to do with respect to weapons of mass destruction, if our country does not try to do everything humanly possible to stop the spread of nuclear weapons and make people understand it is unthinkable that nuclear weapons will once again be used on this Earth, then we will have failed. Our children and grandchildren will almost certainly see at some point an expansion of those countries that have nuclear weapons, the stealing of a nuclear weapon by a terrorist organization and the detonation of a nuclear weapon in a major city in this world and perhaps in this country. We must exert every possible effort to see that does not happen.

Sending a budget that says we need to begin work on designing additional nuclear weapons, new nuclear weapons, and nuclear weapons that are designed for specific purposes such as penetrating the Earth and busting caves, with the implication that it is clearly something we could, should, and would use under certain circumstances, is exactly the wrong approach and a dangerous message from this country, especially.

The burden falls on our shoulders to be a leader in stopping the proliferation of nuclear weapons. It retards rather than advances those interests to see from this administration talk in some circles that is reckless and recommendations that are counterproductive to suggest we ought to begin, again, building nuclear weapons.

In addition to this recommendation to spend $8 million to revive the project of a nuclear earth-penetrator bunker buster, there is talk of testing nuclear weapons, resuming testing of nuclear weapons which, of course, then would be a green light for others to say, if the United States is going to test, we are going to test.

My hope is we can understand the profound danger that exists if we do not take this proliferation issue seriously and if we do not immediately assume the mantle of responsibility to be the world leader to stop the spread of nuclear weapons. This is not about a nuisance. This is not about a threat. This is about a potential catastrophe unlike anything we have discussed or thought about with respect to weapons of mass destruction in the hands of the wrong people. That is why the responsibility is such an ominous responsibility that falls on our shoulders. It is one that we can meet, in my judgment, but we have to be clear thinking.

We need a President and a Congress, together, that will reject the approach that says we should begin building additional nuclear weapons or begin researching and talking about the need for additional weapons we can use for designer purposes.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SOCIAL SECURITY

Mr. McCONNELL. Madam President, I rise today because this Senate needs to act now to save our children's future. We all know that Social Security is one of this country's greatest success stories in the 20th century. But why? Is it the hundreds of thousands of elderly who were saved from poverty or is it the millions of seniors who have retired with the stability of their monthly Social Security checks?

Actually, there are two reasons. For me, the first is an Army sergeant who served in World War II and went to the European Theater. The second is the woman from Alabama he married. Although they were never a family of great means, they worked hard, paid into the system all their lives, and got the money they were owed from Social Security when they retired.

Of course, those two people I am referring to were my parents. It is because of what Social Security did for them and their friends that we all know it is a success story. I am sure millions of Americans feel the same way.

Today, I would like to make absolutely sure Social Security is the same success for my children as it was for my parents.

Let's get one thing out of the way right up front: This debate is about saving the future, not defacing the past. Every senior who now receives Social Security benefits or who is going to receive them within the next 10 years will get full benefits for their entire—their entire—retirement. They deserve that piece of mind, and they have it. This Congress will not touch Social Security in any way for Americans 55 or older, period. This debate is not about seniors today. It is about our children tomorrow.

I said Social Security was one of the greatest accomplishments of the 20th century. But this is the 21st century. We need to strengthen and save Social

Security for today's workers. If we do not act now, this system, born out of the New Deal, will become a bad deal for our children and grandchildren.

When Social Security was created in 1935, it was still common to see a Ford Model T on the road. Today's young adults drive hybrid electric cars while listening to their I-Pods. A system designed for the 1930s just does not fit the 21st century.

Something must be done and done now. Some critics say there is no crisis; that we do not have to do anything about this problem, even though we can all see it coming; that we can put it off until later. Their response to this healthy debate on the future of Social Security has been to poke their fingers in their ears and bury their heads in the sand.

Well, that is simply not acceptable. We were elected to get things accomplished for America, not to mark time around here. Someday I will pass this desk, right here—the very same desk used by Henry Clay—along to another Senator from Kentucky. I do not intend to pass this problem along as well.

That is why I applaud the President's vision and courage in tackling this important but certainly tough issue. He deserves our gratitude for sparking this national discussion on saving Social Security. You might not agree with the various options laid out by the President—that is fine—but you have to agree that action ought to be taken.

In 1935, most women did not work outside the home. Today, about 60 percent do. In 1935, the average American did not typically live long enough to collect Social Security benefits. Today, our life expectancy is 77 years. In 1935, there were 16 Americans in the workforce for every retiree collecting benefits. Today, there are only slightly more than three.

And before the next President is sworn in, the baby boomers will begin to retire, creating four new retirees for each new worker over the next 30 years. Yet benefits are scheduled to rise dramatically over the next few decades.

What that means is the current system will begin to pay out more money than it takes in within just a very few years—by the time today's kindergarteners graduate from high school. At that point, the Government will have to borrow money or raise taxes to keep up with the benefits. When today's workers retire in 2042, the system will be insolvent.

If we do nothing until then—just keep putting it off—the only solution will be to borrow massive amounts of money, impose crippling taxes, or drastically cut benefits, or all three.

So at a minimum, we need to repair the system to keep it afloat. But we can do, if we chose to, a lot more than that. There is a lot of room for improvement in Social Security. We owe our children the most financially sound system possible. They will have paid into it their entire working lives. They deserve to be protected. I know a lot of younger people consider the portion of their paycheck that goes to Social Security to be like any other tax—money they will never see again. More young people believe they will see a UFO than that they will see their own Social Security benefits. That is how confident they are that it will be there for them in the future. That tells me we are letting down our children and grandchildren. They can see that Washington has done a terrible job managing their investment. Social Security pays out about 1 cent per dollar paid in, but IRAs and money markets pay on average seven times more.

I have a message for every younger worker who is about to enter or who has just entered the prime of working life: The money that goes into Social Security is not the Government's money. It is your money. You paid for it. You paid for it with sweat and toil to provide for yourself and your family. If the Government didn't take that money, you would have spent it on yourself or your spouse or a parent or a child or put it in the bank. The point is, it would have been your decision.

There is a way we can strengthen and save Social Security, still guarantee that it will fulfill its promises in the future, and also give younger workers the power to decide how best to grow their money and build a nest egg for retirement. We do that with voluntary personal retirement accounts. Voluntary personal retirement accounts are the best way to ensure that Social Security remains strong for our children and grandchildren. The money in these accounts will grow over time at a greater rate than what the current system now offers. The nest egg they build will be theirs and Government can never take it away. Most importantly, Americans will be able to pass on the money in these accounts to their children or grandchildren. It is a smarter, fairer system.

I hear some of my colleagues say: People will waste the money in these accounts, playing the lottery or betting on horses at the track. Take it from this Senator from a horse racing State, such claims are nonsense and only meant as scare tactics. This Congress and President Bush will only pass legislation that will save and strengthen Social Security once and for all. That means we will set careful guidelines for these personal accounts. The money will only be invested in conservative bonds and stock funds. We will keep fees and transaction costs low. We will install appropriate safeguards, and we will phase in personal accounts gradually over a period of time.

Voluntary personal retirement accounts are very similar to the Thrift Savings Plan that every Federal worker, like all of us, has access to. If we can offer this deal to Federal employees, including Senators, why can't we offer it to all Americans?

The accounts are also similar to an IRA or a 401(k) plan. So most Americans will already know how a personal account will work. They are easy to understand. They will be completely voluntary, so if anybody is uncomfortable with it, they don't have to do it. No one who does not want a personal account will be forced to have one.

On top of the voluntary personal retirement accounts, we need to do more to save and strengthen Social Security. The President said he is open to all reasonable ideas. So are all of us. But it is crucial that we tackle the problem now and not continue to kick the can down the road. Democrats and Republicans are going to have to work together to do this.

I have spoken before of my hopes that this 109th Congress will be able to work together in a spirit of bipartisanship, and we certainly got off to a good start last week with the class action bill. I believe we should start now by rolling up our sleeves and working together.

A few days ago the new chairman of the Democratic National Committee said:

> I hate the Republicans and everything they stand for.

Well, it is pretty tough to sit across the table from somebody with that kind of an attitude. But I think most Democrats recognize that attitude is not productive and I don't think it is the view of Democrats in the Senate. I have already heard several of my Democratic friends say Social Security does, indeed, have a problem, and we do need to do something about it. That is good. Denying there is a problem is denying the obvious. We need their voices in this great national discussion. They recognize that when it comes to Social Security, what Republicans stand for is the same thing Democrats stand for—preserving the system for today's seniors and restoring its promise for our children and for our grandchildren.

Social Security was there for my parents. It will be there for me. But I have three daughters. They are all grown up and have blossomed into accomplished young women. I don't want them to question whether there will be anything left when they retire. We should not let a system that provided so spectacularly for my parents and for me to die due to our reluctance to tackle big, tough issues. We need to restore the system so it is fair for everyone. Working in a bipartisan manner, we have the opportunity to do that.

An increasing number of Senators on the other side of the aisle are acknowledging that there is a problem, and it seems to me a good place for us all to start is to acknowledge the obvious,

which is that unless we address this problem, we are going to have a serious problem later, leading to massive tax increases or unacceptably large benefit cuts for our children.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Madam President, I rise to echo the words that were just spoken by my colleague, the Senator from Kentucky, distinguished majority whip, with respect to an issue that is incredibly important to the Senate and to the people of this country. The issue is the future of Social Security. The program as we know it today will not last. It is headed for bankruptcy. That is why President Bush and others have done the responsible thing—to begin to raise the issue of reform.

The question before us is, How do we fix the system for our children and for our grandchildren? I would like to commend the Republicans and the Democrats who have acknowledged and agreed that a problem exists with the current system and that we can do better.

Going back to 1998, President Bill Clinton at that time called Social Security ''a looming crisis'' and then went on to detail the deep benefit cuts or massive payroll tax increases that would be required if nothing was done in the very immediate future.

It takes political courage for Members of both parties to be open to reform. Members of both parties have expressed their concern about the current system and about the possible improvements brought about by adding personal retirement accounts.

Social Security is an extremely complicated program. Sometimes it is difficult to grasp numbers in the trillions and dates that are decades from now. That is why it is helpful to tackle this issue in a way we can all understand. For me, the decision to find a fix for Social Security became clear when I thought about two extremely important people in my own life—my father Harold and my daughter Brittany.

My father Harold Thune turned 85 this last December. He is a retired teacher, still living in the town I grew up in, Murdo, SD, with my wonderful mother who was the school librarian. My father also served his country as a decorated World War II fighter pilot. He is the essence of hard work and sacrifice. He has put in his time. I would never do anything to the Social Security benefit that he has earned. Because my parents never struck it rich working for the Murdo public school system, they depend upon their Social Security check. Many other retired Americans are in similar situations.

For one-third of Americans over the age of 65, Social Security benefits constitute 90 percent of their total income. As President Bush outlined his principles regarding Social Security reform last month in the State of the Union, he made it very clear that Social Security benefits would remain unchanged for anyone 55 years of age and older. This includes everyone in retirement and those nearing retirement age.

The system will be there for those who have paid into the system with a lifetime of hard work. No politician is proposing to cut benefits from my father's generation. Despite what we might hear from those who are defending the status quo, reform proposals work to solve the problem for younger workers, not take away the benefits from America's seniors.

That brings me to another important person in my life who has helped me better understand the need to fix Social Security. That is my oldest daughter Brittany. Brittany is 17 years old, and she is a junior in high school at Roosevelt High School in Sioux Falls, SD. Soon she will be entering the workforce. God willing, she will live a full life and reach retirement age in 2055. The Social Security trustees tell us that Social Security will no longer be able to pay full benefits by 2042, which is 13 years before my daughter Brittany could retire. That means even though Brittany will have paid into Social Security throughout her entire working life, the benefit promised to her will be cut by at least 25 percent according to the trustees.

This is the problem. If we do nothing, our children and grandchildren will not see the benefits that are promised to them. Brittany's benefits would be cut by at least 25 percent and probably more.

The reason this will happen is nothing more than simple demographics. When my father Harold was working in the 1950s, there were 16 workers for every Social Security beneficiary. Today there are only three workers per beneficiary. When my daughter retires, there will be two workers per beneficiary. The current pay-as-you-go Social Security system will not be able to handle the demographic shifts as the number of workers goes down and the number of retirees goes up.

A majority of younger voters understand there is a major problem with the current system for their generation. A Newsweek poll earlier this month found that 62 percent of those age 18 to 34 believe Social Security will not be there for them when they retire. Predictably, young Americans are frustrated with the prospect of spending a lifetime paying into a system that is destined for bankruptcy.

Some in Washington believe the best approach is to push that problem down the road; leave it for another Congress and for another President. I call that the ''sweep it under the carpet'' caucus. The American people sent us here to solve problems, and they expect us to do just that. To the sweep it under the carpet caucus, I say: Don't hide behind the status quo. Don't resort to the politics of fear and to scaring seniors. Your constituents and my constituents deserve better of their elected representatives.

If we do nothing, we are looking at a $10 trillion shortfall. The longer we wait, the more expensive the fix will become. If we find a solution today, most experts agree it will most likely require $1 trillion. One trillion today or $10 trillion tomorrow—those are the options.

The predicament could be somewhat more manageable if we didn't start seeing problems until Brittany and her classmates start retiring. No, the looming crisis is coming much sooner than that. The Social Security trustees have told us that beginning in the year 2018, a little more than a decade from now, Social Security will begin paying out more in benefits than it is currently taking in.

This means we will need to start dramatically raising taxes, taking on massive loads of new debt, or accept severe benefit cuts in just 13 years to cover our promise to retirees.

We cannot wait on the sidelines and let this problem come to us. We need to face it and we need to attack it by putting all ideas on the table. We need to stop the quibbling, the partisan games, and political brinkmanship to find a solution that saves and strengthens Social Security for the future.

I ask my colleagues not to engage in futile bickering over individual ideas that may be put forward by some as part of the larger solution. My guess is, the solution will involve a number of ideas packaged together. Let's not dismiss or attack individual ideas as being inadequate before we have had a chance to assess their positive effect as part of a whole solution.

I remind my colleagues that we must put all the good ideas on the table. My two elderly parents and my two young daughters are constant reminders of what is at stake in this debate. We must ensure that today's seniors' benefits are rock solid and find a solution that fixes Social Security for the next generation that is just entering the workforce. We need Senators on both sides of the aisle to think not only about what is good politics, but what is good for their children and their grandchildren.

As this debate engages, I urge my colleagues in the Senate to listen to the voices of the people around the country and to understand that they expect us to come here to solve problems. That is why they have elected us, not to kick it down the road, not to sweep it under the carpet for another Congress and another President to deal with. If we wait, the cost will be much higher and the American people, the taxpayers, will experience a much higher degree of pain. It is the taxpayers who are ultimately going to

have to bear the burden for the lack of responsibility demonstrated by the leaders of today if we choose to do nothing.

I look forward to this debate as it gets underway. I urge my colleagues to acknowledge what is clear, what is obvious: We have a problem. The second thing that is clear and is obvious is that the American people sent us here to solve problems. Let's not sweep it under the carpet or kick it down the road; let's do the responsible thing and acknowledge this is a problem that needs to be fixed. The solution will require bipartisan support in this Chamber and in the House of Representatives. We must work together to save and strengthen Social Security not just for my father's generation but also for my daughters' generation.

I yield back the remainder of my time, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. MCCONNELL and Mr. BOND pertaining to the introduction of S. 414 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Oregon is recognized.

ENERGY PRICES

Mr. WYDEN. Mr. President, last week, the Treasury Secretary, Mr. Snow, testified before the Senate Budget Committee that high energy prices act like a tax on consumers. Given that, what the Bush administration has called for is a huge tax on consumers throughout the Pacific Northwest. I am talking specifically about their proposal to require that people in our region pay $2.5 billion more for energy in the days ahead because this administration wants to extract money from the Bonneville Power Administration's ratepayers above and beyond their costs.

I am very troubled about this proposal, particularly because when Energy Secretary Bodman came to my office, I asked specifically about the administration's plan for Bonneville, and not just in the office, but when he came to the Senate Energy Committee for his confirmation hearing. Both times I was assured by Secretary-designate Bodman that he opposed proposals to privatize Bonneville. The assurances were provided just a couple of weeks before the Bush administration's budget was released with the plans that do, in fact, privatize Bonneville, for all practical purposes, by going to a different rate structure that seeks to extract money from Bonneville beyond its costs.

When I met with Dr. Bodman in my office, he was accompanied by Clay Sell, the White House energy adviser. I learned last night that Mr. Sell was well aware of the discussions within the administration that led to the Bonneville privatization proposal at the time Dr. Bodman was assuring me that he opposed privatization. In that meeting, and at his hearing, Dr. Bodman assured me that as far as he knew, the administration also opposed privatization. Clearly, that was not the case. Mr. Sell has since been nominated to be Deputy Secretary of Energy.

I have come to the floor today because the White House and the administration need to get the message. They cannot impose these devastating electricity rate increases on our region, first, without changing the law and, second, without an understanding that I and other Members from our region, Democrats and Republicans, will do everything we possibly can to prevent this misguided proposal to take huge amounts of dollars from our ratepayers and taxpayers. We are going to do everything we can to keep that proposal from passing in the Senate.

Now, I am not, this morning, going to announce a hold on the appointment of Mr. Sell as Deputy Secretary of Energy. In accord with the policy that I and Senator GRASSLEY have led the Senate on over the years, I do announce my holds publicly; and unless something changes, unless the administration drops this misguided concept—a concept that would be so punitive on our region at a time when we have very high unemployment and a world of economic hurt throughout our region—unless the administration drops their proposal, I will be forced to come back to this floor and have a public hold placed on the Sell nomination.

I remain very troubled by Mr. Sell's role in the discussions that took place in my office and Dr. Bodman's testimony before the Energy Committee when I was assured in both instances that there was opposition to privatization. I and other Members of the northwest congressional delegation are simply not going to let a sign be put up on the Pacific Northwest saying: Closed for business and energy tax hikes headed through the roof. This is too important to our area.

I am very hopeful that, working with colleagues—and I am particularly interested in working with my good friend, the chairman of the committee, Senator DOMENICI—we can resolve this matter out so our region will not be devastated economically.

Senator DOMENICI, to his credit, has raised concerns about this misguided proposal to raise our energy prices in the Northwest. I intend to work closely with him, and I am very hopeful I will not have to come back to this floor and put a public hold on Mr. Sell's nomination to be Deputy Secretary of Energy. But if this is not worked out and it is not worked out quickly, I will have no other option because the ratepayers of our part of the world, at a time when they have experienced enormous economic pain, deserve to know there is not going to be a huge additional rate hike imposed on them and one that would do so much to cripple their hopes and aspirations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

SOCIAL SECURITY REFORM

Mr. DAYTON. Mr. President, I rise today because my friends in the Minnesota Republican Party have started a petition online urging me to support President Bush's proposal to strengthen Social Security. I want to take this opportunity to assure the people of Minnesota that I would like to strengthen Social Security just as much as anyone else, and if President Bush or anyone presents a proposal that would actually strengthen Social Security, would protect its ability to pay its promised benefits to present and future retirees and other beneficiaries and also create opportunities to provide additional benefits, I will certainly support it.

I have not yet seen a proposal, including that from the President, that would improve upon the present system while continuing its current benefits.

For all the President's fine talk about helping Social Security's financial future, his current fiscal policies, the ones that are in effect right now, are seriously hurting Social Security's future finances and also weakening the financial strength of the entire Federal Government.

It is a mystery to me why the President is so alarmed by the crisis that he says will occur when Social Security starts running deficits at variously said times, such as 2018, 2028, or 2042, when the rest of the Federal Government's budget, everything else besides Social Security, is running enormous deficits for this year, last year, and for every year projected in the future under his proposed budget.

Last year's on-budget deficit was $567 billion. A deficit of $588 billion is expected for the current fiscal year, 2005, and almost $2.5 trillion more in deficits are projected over the following 5 years under the President's proposed budget. That is the real financial crisis the Federal Government is in right now, running huge operating deficits, by far the worst in our Nation's history, requiring massive Federal borrowing to finance them, adding over $1 trillion to the national debt over the last 3 years, and another $2 trillion over the next 5 years, with no end in sight.

No wonder the nonpartisan Concord Coalition, a Government watchdog organization founded by former New Hampshire Republican Senator Warren Rudman and businessman Warren Buffett, has called the President's fiscal policies the most reckless in our Nation's history.

In fiscal year 2000, which is the last full fiscal year under President Clinton's terms in office, the Federal Government ran surpluses in both its Social Security and on-budget funds. The Office of Management and Budget just a month after President Bush took office in 2001 projected surpluses in both of those major Government funds for each of the next 10 years. President Bush and the majority in Congress turned those surpluses into oceans of red ink by cutting taxes and increasing spending in each of the last 4 years. We also had 9/11. We have undertaken two wars. We went through a recession. There are certainly other factors.

In the midst of those, cutting taxes excessively was a primary contributor to these record deficits, and continuing those policies will only extend those deficits into the future. Yet that is what is being proposed again for this year's budget, next year, and the next. In fact, the proponents want to make future deficits even worse by making those previous tax cuts permanent, which would pile up trillions more in public debt which must be paid off, with interest, by today's children, teenagers, and young workers, the very people President Bush tells us will not have Social Security when they retire.

Unfortunately, with his current policies they will not have a country when they retire. The so-called ownership society will be the owe-the-ship society.

The second financial disaster that is happening in this country right now is that Social Security's current surpluses are being spent to pay for other Federal programs. Remember the Social Security lockbox that President Clinton established so Congress would not spend the annual Social Security surpluses but, instead, would invest it in ways that would truly strengthen the program for its future? Well, in 2000, Presidential candidate George W. Bush promised to protect that lockbox. Guess what. It is unlocked and it is empty.

Last year's $155 billion surplus is gone. The previous year's $160 billion surplus is gone. This year's $162 billion surplus is going, and the next 5 years' surpluses in the Social Security trust fund, which would total over $1 trillion, will also be gone under the President's proposed budget. They are gone to cover and to help continue part of those much larger deficits in the Federal Government's current operations. So that instead of cash or other investments, the Social Security trust fund is left with IOUs from the main Federal fund that borrowed them.

President Bush is correct when he says that when those IOUs must be repaid with interest to enable Social Security to meet its future obligations some date in the future, those additional payments will require additional Federal revenues from either higher taxes, less spending, or more Federal borrowing. If the President is right, if Social Security or even the entire Federal Government then faces a drastic financial meltdown, a bankruptcy, because workers and businesses at that time cannot afford those additional tax burdens, so the Federal Government cannot meet its obligations, whether to Social Security or to other Government programs and services, it will be a disaster that his fiscal policies have created, and that Congress through support or complicity created and made even worse, more severe, by the current deficit spending which the President proposes to continue doing right now, while at the same time he is talking about Social Security's long-term future.

As long as the current fiscal follies continue, whatever anyone says about doing whatever to Social Security years from now, as Shakespeare's McBeth said, is ''full of sound and fury, signifying nothing.''

All of these Senate speeches, all of those Presidential forums, all the millions of dollars of industry advertising, all sound and fury, signifies nothing, except signifying the financial greed that has driven the current fiscal policy and the political cowardice that is allowing it to continue.

What is needed right now, as my sons would say, is to get real, to stop all the speeches, forums, and advertising about what might or might not happen many years into the future and act on what is happening right now. It is very damaging to our country right now, and it is even more damaging to our country's future unless we act right now, this year, to stop it.

Acting right and acting now will take a lot of political courage. The President's budget shows a little but not nearly enough. It reduces spending by some $20 billion next year. That leaves another $560 billion to go in order to balance the Federal operating budget and leave the Social Security surplus in its lockbox—in other words, just to restore us to the level of fiscal responsibility that President Clinton left. That is a lot of political courage. It would require a major truth telling to the American people about how we got into this fiscal mess and how we are going to get out of it, starting right now, with no gimmicks, no games, just straight, honest accounting to balance the Federal budget without spending the Social Security money; to protect Social Security's surpluses and use them only for Social Security; to stop borrowing for current spending and adding that to the increasing national debt and then to start to pay down that debt.

If the President and the Congress are really serious about strengthening Social Security's future, that is what we must do now, and that is the best that we can do now. Straightening out the current budget mess and putting the Federal Government back on a responsible and sustainable course of balanced operating budgets and accumulating Social Security surpluses is a real action plan. Everything else is just posturing and pretending. Because sound Federal fiscal policy now contributes to future economic growth, it increases the likelihood that Social Security, as it is currently structured, will be able to pay its promised benefits with future revenues and income for many decades to come.

Because Social Security's financial future is not cast in stone, there is nothing preordained that will happen at some future date. Social Security's finances will depend upon the future growth in the U.S. economy. The Social Security trustees make this very clear in their annual report by making three long-range projections based on different assumptions about the country's future economic growth. Their intermediate forecast is the one many people cite, incorrectly, as what will happen to Social Security. That projection assumes that growth in the U.S. economy over the next 75 years will be less than two-thirds of the past 40 years.

In the last 40 years in this country, real GDP grew at 3.3 percent a year. The trustees' intermediate forecast projects real GDP growth of 2.9 percent from 2004 to 2013 but then only 1.8 percent from 2015 to 2080.

Another one of the trustees' forecasts assumes real GDP growth of 3.4 percent per year over the next decade and then 2.6 percent per year from 2015 to 2080. That still is less on average than the 3.3 percent over the last 40 years. Yet with that rate of growth the Social Security trust fund's annual income is more than enough to pay for all promised benefits beyond the year 2080, the last year in the current report.

Social Security, under that growth scenario, runs an annual surplus every year into the indefinite future. In fact, in the last year in the projection, 2080, it would have income of $4.2 trillion, make promised payments of $3.5 trillion, leaving a surplus in that one year of $700 billion, which would add to its assets that would end that year at almost $18 trillion. That is not bankruptcy, that is prosperity.

What we need to do right now to assure not just Social Security's future solvency but its future prosperity is to keep the U.S. economy healthy and growing. The best help we can give to the future of Social Security is a sound fiscal policy right now of balanced operating budgets and minimal Federal

spending. On the other hand, the worst that we could do to jeopardize Social Security's future solvency and to necessitate the kind of drastic across-the-board cuts in future retirement benefits that are in the President's proposal is to continue the current fiscal policy of deficits and more deficits, to continue the proposal of making the tax cuts for the rich permanent, abolishing the estate tax, cutting capital gains, eliminating or reducing the tax on dividends, as if the rich are not rich enough already in this country and the superrich are not superrich enough. And, if the truth be known, most of them already pay far less than their fair share in taxes and many pay no U.S. taxes at all.

To continue the tax giveaway frenzies and the fiscal follies of the last 4 years is to doom Social Security's future and this country's economic future. To borrow more and more money from the rest of the world and spend the Social Security surpluses so the rich don't have to pay their share of taxes is, as the Concord Coalition said, ''reckless fiscal policy.'' It is also destructive social policy, and it is the wrong public policy—wrong for the future of Social Security and wrong for the future of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 10 minutes on the Veterans' Administration.

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

VA HEALTH CARE

Mr. AKAKA. Mr. President, over the past 10 years, VA has made tremendous strides in its delivery of health care. In fact, VA's quality of care currently surpasses that of the private sector, according to several notable studies.

Though VA has been able to provide high-quality care despite less than generous budgets, we cannot count on that holding true. Indeed, if the administration's proposed cuts for VA care come to fruition, VA will no doubt begin to lose its footing. The President's budget offers a very modest increase for VA care—one that does not even cover medical inflation.

Veterans groups are united in saying that the proposed budget is not sufficient. The Disabled American Veterans has called the Administration's budget, ''one of the most tight-fisted, miserly budgets in recent memory.'' The Paralyzed Veterans of America says that this budget shortchanges America's ''sick and disabled veterans.''

The President's budget calls on VA to save some $600 million by squeezing efficiencies out of the system. I have been to VA hospitals and clinics, and I can tell my colleagues that $600 million worth of efficiencies are not possible without cutting staff and services, the very services that have made VA care excellent.

As many of my colleagues know, VA already obtains some of the best prices on pharmaceuticals. VA's costs are far below retail prices—in some cases 55 percent of average prices. It is unfortunate that the administration does not believe that Medicare's costs would be lowered if the Government could negotiate with drugmakers. VA has proven that it works. My point is that there really are not any more efficiencies to be gleaned from VA drug purchasing.

I will be working to increase the VA health care budget—to move from the realm of miserly to what is truly needed to care for all veterans. In the meantime, we should focus now on the tremendous advances VA has made and do our best to maintain VA care at the highest levels.

One of these studies, done by RAND Corporation, found that VA outpaces private health care systems in delivering care to patients. Among its findings, RAND found that VA patients were more likely to receive recommended health services than those in a national sample of patients using a private provider. It also concluded that VA patients received consistently better care across the board, including screening, diagnosis, treatment, and follow-up.

Additionally, an article—which I highly command to my colleagues—in Washington Monthly titled ''The Best Care Anywhere'' explained at length how, in just 10 years, VA hospitals went from less than excellent care to the pinnacle of quality health care. Fostering the change is the focus on new technology to reduce medical errors. Such computer systems allow clinicians to electronically pull up all medical records for any patient. Doctors are able to enter their orders into a computer system that immediately checks that order against the patient's records. If the software then detects a dangerous combination of medicines or a patient's allergy to the newly prescribed drug, a red flag goes up on screen. The technology also reminds doctors to prescribe appropriate care for veterans after they have been discharged from the hospital, and it keeps track of which patients are due for follow-up services.

VA has made several other important strides in recent years, steps that have been crucial to VA's assent to the top of the medical care field. Until the mid-1990s, VA was considered by most to be in crisis. Starting in 1996, however, Congress forced VA to focus on primary care and outpatient services. This change, known as eligibility reform, led to improvement in care at VA. I am proud that we made those changes. Veterans are coming to VA like never before. Rather than closing the doors—as the President is proposing—let us welcome all veterans into the system.

As ranking member of the Committee on Veterans' Affairs, I will work to ensure that VA continues to be a leader in health care by fighting for additional funding. We must all work to guarantee that all of our Nation's veterans get the care they so greatly deserve.

I ask unanimous consent that the RAND study be printed in the RECORD.

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

IMPROVING QUALITY OF CARE—HOW THE VA OUTPACES OTHER SYSTEMS IN DELIVERING PATIENT CARE

In its 2001 report Crossing the Quality Chasm, the Institute of Medicine called for systematic reform to address shortfalls in U.S. health care quality. Recommended reforms included developing medical informatics infrastructure, a performance tracking system, and methods to ensure provider and manager accountability. The Department of Veterans Affairs (VA), the country's largest health care provider, has been recognized as a leader in improving the quality of health care. Beginning in the early 1990s, the VA established system-wide quality improvement initiatives, many of which model the changes the Institute of Medicine would later recommend.

How does the VA measure up against other U.S. health care providers? To address this question, RAND researchers compared the medical records of VA patients with a national sample and evaluated how effectively health care is delivered to each group. Their findings:

VA patients received about two-thirds of the care recommended by national standards, compared with about half in the national sample.

Among chronic care patients, VA patients received about 70 percent of recommended care, compared with about 60 percent in the national sample.

For preventive care, the difference was greater: VA patients received about 65 percent of recommended care, while patients in the national sample received 20 percent less.

VA patients received consistently better care across the board, including screening, diagnosis, treatment, and follow-up.

Quality of care for acute conditions—a performance area the VA did not measure—was similar for the two populations.

The greatest differences between the VA and the national sample were for indicators where the VA was actively measuring performance and for indicators related to those on which performance was measured.

VA DELIVERS HIGHER QUALITY OF CARE

Using indicators from RAND's Quality Assessment Tools system, RAND researchers analyzed the medical records of 596 VA patients and 992 non-VA patients from across the country. The patients were randomly selected males aged 35 and older. Based on 294 health indicators in 15 categories of care, they found that overall. VA patients were more likely than patients in the national sample to receive recommended care. In particular, the VA patients received significantly better care for depression, diabetes, hyperlipidemia, and hypertension. The VA also performed consistently better across the spectrum of care, including screening, diagnosis, treatment, and follow-up. The only exception to the pattern of better care in VA

facilities was care for acute conditions, for which the two samples were similar.

VA CHANGES HELPED IMPROVE PERFORMANCE

The VA has been making significant strides in implementing technologies and systems to improve care. Its sophisticated electronic medical record system allows instant communication among providers across the country and reminds providers of patients' clinical needs. VA leadership has also established a quality measurement program that holds regional managers accountable for essential processes in preventive care and in the management of common chronic conditions.

PERFORMANCE MEASUREMENT PLAYS AN IMPORTANT ROLE

How does performance measurement affect actual performance in health care delivery? To answer this question, the researchers conducted another analysis focused solely on the health indicators that matched the performance measures used by the VA. They found that VA patients had a substantially greater chance of receiving the indicated care for these health conditions than did patients in the national sample. They also observed that performance measurement has a ''spillover effect'' that influences care: VA patients were more likely than patients in the national sample to receive recommended care for conditions related to those on which performance is measured. For example, VA outperformed the national sample on administering influenza vaccinations, a process on which the system tracks performance. However, it also outpaced the national sample on other, related immunization and preventive care processes that are not measured. This provides strong evidence that, if one tracks quality, it will improve not only in the area tracked but overall as well.

THESE RESULTS HAVE IMPORTANT IMPLICATIONS

The implications of this study go far beyond differences in quality of care between the VA and other health care systems. The research shows that it is possible to improve quality of care and that specific improvement initiatives play an important role. First, health care leaders must embrace and implement information technology systems that support coordinated health care. Second, they should adopt monitoring systems that measure performance and hold managers accountable for providing recommended care. If other health care providers followed the VA's lead, it would be a major step toward improving the quality of care across the U.S. health care system.

THE VA OUTPERFORMS THE NATIONAL SAMPLE ON NEARLY EVERY MEASURE

Health indicator	VA score	National sample score	Difference
Overall	67	51	16
Chronic care	72	59	13
Chronic obstructive pulmonary disease	69	59	10
Coronary artery disease	73	70	3
Depression	80	62	18
Diabetes	70	57	13
Hyperlipidemia	64	53	11
Hypertension	78	65	13
Osteoarthritis	65	57	8
Preventive care	64	44	20
Acute care	53	55	−2
Screening	68	46	22
Diagnosis	73	61	12
Treatment	56	41	15
Follow-up	72	58	14
VA-targeted performance measures	67	43	24
VA-target-related performance measures	70	58	12
Measures unrelated to VA targets	55	50	5

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

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that morning business be extended until 3 p.m. with Senators permitted to speak for up to 10 minutes each.

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

Mr. DURBIN. Mr. President, I am sometimes asked back in Illinois how the Senate can have morning business in the afternoon. I still can't answer that question, but we will continue to have it this afternoon.

SOCIAL SECURITY

Mr. DURBIN. Mr. President, I rise to speak in morning business and address the issue which has become central to our debate about the domestic agenda for America. There is a lot of time being spent by the President and Members of Congress talking about the privatization of Social Security. Social Security is a very important program for millions of Americans. It brought dignity to senior citizens and gave them a chance in their retirement years to live with enough money to get by.

Before Social Security, if a person were fortunate enough to save enough money during their lifetime, they were OK. If they happened to have a generous family, the family would bring their mother and father to live with them in their later years. That was one of the outcomes. But if things went poorly, a lot of senior citizens before Social Security ended up in county poorhouses. They are still sitting around out there. They are not used for that purpose anymore, but you can find them across America. That is where you went when there was no place else to go, no money to take care of yourself, and no children to take care of you.

Along came Franklin Roosevelt back in the 1930s, who said: I think we have learned a lesson here. We need to create a program that gives everybody a chance during their lifetime to pay into Social Security with the guarantee that when you retire, there will always be some money there to help you. Nobody is going to get rich on Social Security. I don't think they ever could. But the idea was there would be this thing they could count on, kind of a bedrock savings plan for Americans—more of an insurance policy than a savings plan. It worked.

For the 60 years or more we have had Social Security, it has made every single payment with cost-of-living adjustments, and seniors in America, many of them, lead comfortable lives because Social Security helps. You cannot live on it alone—I guess you could, but you would barely scrape by—but with Social Security you have something to count on.

You do not care if the corporation you worked for for 30 or 40 years goes bankrupt and takes away your retirement benefits. You do not care in this respect: You know Social Security will still pay you. If you get bad news about that pension plan you invested in for a long time taking a bad turn and not having enough money to pay you what you expected, at least there is Social Security.

Over time, things change in America. We live longer. Thanks to good health habits, good medicine, people are living longer lives. A Social Security Program anticipated to pay out for a few years pays for many years, so we have adjusted for many years. The amount of money paid into it, the benefits paid out, and the eligibility age for retirement have all changed, but Social Security is still there. It keeps on ticking because we count on it so much.

Along comes President Bush who says we have a problem with Social Security. We have to do something. Some call it a crisis. Some call it a challenge. Some call it a problem. But the argument is, we have to do something. You just cannot leave it alone.

What would happen if we left Social Security alone? What if Congress said: We are not going to do a thing to Social Security this year, nothing. We are not going to change one word in the law, not going to change any of the benefits, any of the contributions, what would happen to Social Security? It would make every single promised payment to every single retiree in America every single month of every single year with a cost-of-living adjustment until at least 2042, 37 years from now. The program is strong, and we have to talk about making it stronger.

The President proposes privatizing Social Security, changing the concept of Social Security. Instead of paying payroll tax and receiving your Social Security benefits, the President suggests taking part of that payroll tax and investing it. If you are fortunate, you will do better. Your investment has risk, but the President believes by and large most people will do better.

There is nothing wrong with savings and investment. Everyone should take that seriously for their own lives and for their families. We do in my household. For my wife and me, that is working, saving for retirement, for ourselves, for our family. It is a smart

thing to do. But what we do is over and above what we pay into Social Security. Social Security is still there. Members of Congress pay it, incidentally. Despite some of the talk radio comments otherwise, Members of Congress pay Social Security, as my wife does on her job. And we have some savings accounts. It is a smart thing to do. We have done pretty well. We are not getting rich, but we will be comfortable.

Now comes the President and says take the money out of Social Security, put it in the stock market. The obvious question is, if you take the money out of Social Security and out of the trust fund, how will it make its payments? The President cannot answer that question.

There was a suggestion coming from the White House that we would change the index for Social Security, we would reduce the amount of payments to seniors in years to come. That can get serious. Right now, 1 out of 10 seniors is in poverty. Without Social Security, half of seniors in America would be classified as living in poverty. If we start reducing Social Security payments, we move more and more of our seniors toward poverty. That is not an outcome that anyone would cheer. Yet the President's plan moves America in that direction. It takes money out of Social Security with no explanation on how to pay it back, it cuts benefits for retirees in the years to come, and it creates a greater deficit for America, a deficit increase of $1 trillion to $4 trillion depending on how many years it is calculated.

We have to step back and say, if Social Security is strong for 37 years, why in the world would you want to engage in the President's privatization plan which will reduce benefits for retirees and add $2 trillion or more to or national debt? It is because the President cannot answer those basic questions that many people are skeptical about his privatization plan. They believe, I believe, President Bush's plan to privatize Social Security will weaken Social Security, it will not strengthen it.

There is no one in the White House who suggests that taking money out of the Social Security trust fund makes it stronger. It makes it weaker. Instead of making every payment for 37 years, the President's plan would, frankly, make Social Security unable to make its payment sooner. Why would we ever do that? That is moving in the wrong direction.

My colleague, Senator SCHUMER of New York, has put together a calculator to help people estimate what the impact of privatization of Social Security will do. Plug in what you think your income is going to be, roughly, and this tells the kind of cuts you will take under President Bush's proposal. It is harsh. It is unnecessary. It certainly does not strengthen Social Security.

Let me add one footnote. Adding to our national debt means giving America's mortgage holders, America's creditors, more power over our lives. Who owns America's debt today? Many do who buy bonds and securities in government, but most of it is owned by foreign countries. Central banks in countries such as China and Japan buy our debt. So step back and look at them as you would look at the company, the bank, that issues your mortgage. You owe them that payment every month. You better make that payment. And if your mortgage comes to a close and they do not want to renew your mortgage, go out and look for a new one, and you may have to pay higher interest rates. That is roughly what is going on in the world today.

America entices China, Japan, and Korea to be our mortgage holders, to be our creditors by paying interest on our debt. What happens should the day come in the future when the Chinese or the Japanese say: We do not really trust the American dollar; you people have too much debt. Why aren't you doing something about your current debt? In fact, we have lost so much confidence in the dollar, we think from now on, we are going to base our future on the Euro rather than the dollar.

Hold on tight, because it means that America's dollar is going to be threatened in terms of its stability.

Here comes the President with Social Security privatization adding $2 trillion to $4 trillion to our debt, depending more on China, Japan, and Korea to sustain us, making us more vulnerable.

There is another issue that troubles me. Why is it the countries you mention—China, Japan, and Korea—are the same countries that are taking away American jobs and businesses? Why is it that companies are moving over there? Sure, lower wage rates—we understand that. But there is something else at work. The same countries that hold America's debt hold the future of our economy. The fact they hold our debt gives them the ability to invest in companies that compete with American workers and businesses. The fact we are losing manufacturing jobs has a lot to do with our debt being held by the same countries taking those manufacturing jobs.

Alan Greenspan came to Capitol Hill yesterday. Some days I think he has great insight, and some days I think he is just plain wrong. I am sure he feels the same way about me and my views. Yesterday, he warned us about our debt. He said, though he liked privatization, personal accounts, be cautious, be careful, he said. Good advice—the same advice I wish Mr. Greenspan had given when the President pushed for the tax cuts. Unfortunately, the tax cuts now account for half of our debt. They go primarily to the wealthiest people in America. We are, unfortunately, in a spot where we are cutting back in health care, cutting back in education, unable to do what Americans think we should do for America. Greenspan said yesterday, when it comes to debt, America, be cautious. How can it be cautious to add $2 trillion to $4 trillion to America's debt as President Bush's Social Security privatization plan requires? It is not cautious. It is not sensible. It does not help this younger generation appreciate the greatness of America.

I think the President's privatization plan has run into trouble because it cannot answer the hard questions. The President did not include one penny in his budget for privatizing Social Security. Do you know why? He cannot figure out how to pay for it, and he cannot figure out how to explain it.

That is why not just seniors but families across America are skeptical. They take a look at what the President proposes, which will result in reductions in Social Security benefits. For the average wage earner, born in 1970, who retires in 2035, there will be a 3-percent risk adjusted rate of return on their personal account under the President. Under the current law benefits, that person would receive annually $17,700. Then along comes the President's proposal to change the index for Social Security, and that payment goes down to $12,841. Then comes the privatization tax on top of that, and that same retiree would receive less than half of what he would receive under Social Security today.

President Bush argues that this plan makes Social Security stronger. Tell that to the retiree whose benefit has been cut in half by President Bush's proposal. You may say: Well, you Democrats, you are going to exaggerate this. You just want to get on the floor of the Senate and criticize the President.

Well, let me tell you where these numbers come from.

The Boston College Economics Department just did their own analysis. They came to exactly the same conclusion. They are not in this for any political gain. They are just trying to analyze what the President proposed.

So if that is what we face—cutting benefits under Social Security, adding $2 trillion to $4 trillion to our national debt—is it any wonder a lot of us here say it is time to move on? It is time to find a Social Security answer that is truly bipartisan and makes common sense. The privatization plan of President Bush does not.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 12:32 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. ALEXANDER).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Tennessee, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. 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. BURNS. Mr. President, what is the order of business now?

The PRESIDING OFFICER. The Senate is conducting morning business.

Mr. BURNS. I ask unanimous consent that I may proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

DEPARTMENT OF AGRICULTURE DECISION

Mr. BURNS. Mr. President, I rise today to join some of my friends on both sides of the aisle to talk about and to do something about taking action regarding the Department of Agriculture's decision to open the border to Canadian beef on March 7.

I have been vocal about this for some time. We have been negotiating with the powers that be in trying to improve this controversial regulation.

First, I congratulate and appreciate Secretary Johanns of the Department of Agriculture for his candid responses on this issue and for his timely decision to limit beef to cattle slaughtered at under 30 months. That action took care of most of the concerns I had with reopening the border since the outbreak of BSE in May of 2003.

We have all been trying to find answers to this situation, but my producers still have some serious concerns about Canada's compliance with the feed ban and the firewalls that have been put in place up there. There has been a team representing the U.S. Department of Agriculture in Canada looking at this situation. The feed ban compliance appears to be the best way to reduce outbreaks of BSE, so it is a critical component of our negotiations and it is a critical component of what actions we take from here on.

Compliance with that feed ban must be consistent, but they also must be long term. Because BSE, or mad cow, can lay dormant in a cow for such a long period of time, feed ban violations from years ago can still be a problem today. Thus, the 30-month rule. Products from animals or live animals older than 30 months was taken from the rule. We had to work very hard to do that, and I know it took great leadership on the part of the Secretary of Agriculture to change that part of the rule.

Now the technical team we had in Canada is back in the United States. Unfortunately, we will not get their report for another week. Congress will be on break. So very few of us will be able to get hold of that report, analyze it, and make a judgment on how we should handle a rule that goes into effect on March 7. It leaves us very little time. Thus, the resolution that will come before this Congress puts a hold on the rule and gives Congress some time to operate. We just cannot afford to allow this situation to move any further with the information that we have now. If the USDA will not delay the implementation of this rule and allow Congress to consider its findings, then I am left with no other choice but to support the disapproval resolution.

Again, I thank the Secretary for doing what he did. That took care of a lot of the concerns about the rule. The decision is critical for our cattlemen, and the Secretary showed tremendous leadership in taking that action so quickly.

It is also important to the entire cattle industry and it is important to consumers to have confidence in one of the safest products they find in their grocery store. We know the border will be open at some point, but what we do and the steps we take are very important, both to our friends in Canada and to our consumers and producers in the United States.

If this rule should go into effect and we have another situation, I am afraid of the erosion that could take place in my industry. So I urge my colleagues to support this resolution, not as a means of cutting off trade with Canada indefinitely but as a way of ensuring that Congress has the time and takes the time, all the time it needs, to consider the provisions of this rule. It is important for producer and consumer alike for this industry we call the great beef industry.

I yield the floor and 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. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

The majority leader is recognized.

COMMENDING THE HONORABLE HOWARD HENRY BAKER, JR.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 58, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 58) commending the Honorable Howard Henry Baker, Jr., formerly a Senator of Tennessee, for a lifetime of distinguished service.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FITZGERALD. 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. 58) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 58

Whereas Howard Henry Baker, Jr., son of Howard Henry Baker and Dora Ladd Baker, was heir to a distinguished political tradition, his father serving as a Member of Congress from 1951 until his death in 1964, his stepmother Irene Baker succeeding Howard Baker, Sr. in the House of Representatives, and his grandmother Lillie Ladd Mauser having served as Sheriff of Roane County, Tennessee;

Whereas Howard Baker, Jr. served with distinction as an officer in the United States Navy in the closing months of World War II;

Whereas Howard Baker, Jr. earned a law degree from the University of Tennessee Law School in Knoxville where, during his final year (1948–1949), he served as student body president;

Whereas after graduation from law school Howard Baker, Jr. joined the law firm founded by his grandfather in Huntsville, Tennessee, where he won distinction as a trial and corporate attorney, as a businessman, and as an active member of his community;

Whereas during his father's first term in Congress, Howard Baker, Jr. met and married Joy Dirksen, daughter of Everett McKinley Dirksen, a Senator of Illinois, in December 1951, which marriage produced a son, Darek, in 1953, and a daughter, Cynthia, in 1956;

Whereas Howard Baker, Jr. was elected to the Senate in 1966, becoming the first popularly elected Republican Senator in the history of the State of Tennessee;

Whereas during three terms in the Senate, Howard Baker, Jr. played a key role in a range of legislative initiatives, from fair housing to equal voting rights, the Clean Air and Clean Water Acts, revenue sharing, the Senate investigation of the Watergate scandal, the ratification of the Panama Canal treaties, the enactment of the economic policies of President Ronald Reagan, national energy policy, televising the Senate, and more;

Whereas Howard Baker, Jr. served as both Republican Leader of the Senate (1977–1981) and Majority Leader of the Senate (1981–1985);

Whereas Howard Baker, Jr. was a candidate for the Presidency in 1980;

Whereas Howard Baker, Jr. served as White House Chief of Staff during the Presidency of Ronald Reagan;

Whereas Howard Baker, Jr. served as a member of the President's Foreign Intelligence Advisory Board during the Presidencies of Ronald Reagan and George H.W. Bush;

Whereas following the death of Joy Dirksen Baker, Howard Baker, Jr. married Nancy Landon Kassebaum, a former Senator of Kansas;

Whereas Howard Baker, Jr. served with distinction as Ambassador of the United States to Japan during the Presidency of George W. Bush and during the 150th anniversary of the establishment of diplomatic relations between the United States and Japan;

Whereas Howard Baker, Jr. was awarded the Medal of Freedom, the Nation's highest civilian award; and

Whereas Howard Baker, Jr. set a standard of civility, courage, constructive compromise, good will, and wisdom that serves as an example for all who follow him in public service: Now, therefore, be it

Resolved, That the Senate commends its former colleague, the Honorable Howard Henry Baker, Jr., for a lifetime of distinguished service to the country and confers upon him the thanks of a grateful Nation.

Mr. FRIST. Mr. President, it gives me a great honor to comment on the resolution commending Howard Baker that we just addressed. I first met Howard Baker when I was considering the run for the U.S. Senate in 1994. It is surprising to me now, today, with our close friendship, that I had not met him other than just in passing before. At the time, unlike Senator Baker, I had absolutely no political credentials whatsoever. Nobody from my family had run for public office, served in public office. But he was kind enough to see me, a physician in Nashville, TN, and to listen very patiently. I think a lot about it now, as people make appointments and come in to talk to me, even if they had absolutely no experience in the political arena. Very quickly after that first meeting he realized that the smart politician in my family was not me but was my wife, so the very next meeting, it was me and Karyn sitting in his office.

Since then, I have had the real privilege and the honor of Senator Baker's friendship and his wise counsel, both as leader currently, today, and also as a U.S. Senator and then as a candidate. It is with great admiration that I rise to speak a few moments on his retirement from public service. I use that very advisedly, because Howard Baker will never, ever retire from public service.

He has distinguished himself as one of America's most trusted and valued public servants. A former U.S. Senator, minority leader, majority leader, Republican Presidential candidate, Senator Baker has, as we all know, reached the pinnacles of political life, serving most recently as America's Ambassador to Japan, a position reserved for our most highly respected political figures, our statesmen.

Senator Baker turns 80 this year. He was born in 1925, on November 15, in Huntsville, TN, near the Kentucky border, right where he lives today. His grandmother, Lillie ''Mother Ladd'' Mauser, was Tennessee's first female sheriff. His father and stepmother both served in the U.S. House of Representatives.

Yet despite this illustrious family history, as a young man Howard junior was not interested in a career in politics. After graduating from a military preparatory school in Chattanooga, he enrolled in the U.S. Navy, where he trained as an officer. He earned his bachelor's degree in electrical engineering at Sewanee and Tulane. He then went on to law school at the University of Tennessee law school. During his senior year, however, he saw that first glimpse, that first tantalizing taste of winning elections as he served as student body president.

In 1950, Senator Baker ran his father's first successful bid for the U.S. Congress. Howard senior won a seat in the House, and Howard junior won the hand of Joy Dirksen, the daughter of Illinois Senator Everett Dirksen. For the next 16 years, he and Joy settled into life in Huntsville with their two children, Darek and Cynthia. Senator Baker practiced law and devoted his time to family, to church, and to a variety of civic groups.

In 1964, Senator Baker decided to run in the special election for Senator Estes Kefauver's seat. He narrowly lost to Democrat Ross Bass but came roaring back in 1966, to be elected with 56 percent of the popular vote, making him the first popularly elected Republican Senator in Tennessee's history.

He handily won reelection in 1972. That was at the height of Watergate, and Senator Baker was known on both sides of the aisle for being scrupulously fair and levelheaded. Within months, the Senator was named cochair of the Senate Select Committee on Presidential Campaign Activities.

Initially, Senator Baker believed that President Nixon was innocent of any wrongdoing. Over the years, Senator Baker had become a friend and adviser to President Nixon. But as the investigation unfolded and the evidence mounted, he became convinced of wrongdoing within the administration, leading to his most famous questioning during the investigation: ''What did the President know, and when did the President know it?''

At Senator Baker's right hand during the investigation was our former colleague and friend Fred Thompson and my late chief of staff Howard Liebengood. It was a grueling and intense ordeal for Senator Baker and the country. But at its conclusion, Senator Baker had won the respect of millions of Americans.

In 1976, Senator Baker was chosen to be the keynote speaker at the Republican Convention and was the next year voted by his colleagues to lead them in the Senate.

He won a third Senate term in 1978, and 2 years later made a bid for the Republican Presidential nomination. He ran on a platform at the time of restraining Government spending, balancing the budget, increasing domestic energy production, and cutting taxes and excessive regulations—all positions that are very familiar 25 years later.

In 1980, Senator Baker became Senate majority leader, a post he held until his retirement in 1985.

He was a strong proponent of the citizen legislator, one who came to Washington, DC as a legislator for a period of time but returning home to be with real people and real communities all across the United States. Indeed, that concept and that counsel and those conversations of a citizen legislator have had a huge impact on my life as well.

As majority leader, Senator Baker had a list of rules. He called them his Baker's Dozen. The list included: Listen more than you speak; have a genuine respect for differing points of view; tell the truth, whether you have to or not; be patient; and be civil.

He expounded on his governing philosophy a few years ago during the Leader's Lecture series down the hall in the Old Senate Chamber. I would like to quote a few of his words, as they apply as much today as they did when Senator Baker led this great institution. He said that ''the Founders didn't require a nation of supermen to make this government and this country work, but only honorable men and women laboring honestly and diligently and creatively in their public and private capacities.''

Always sensible, always decent, Senator Baker was a giant in this institution and deeply admired by his colleagues on both sides of the aisle. It has been my great good fortune to have his example before me as I try to apply his insights on a daily basis.

Senator Baker is known and respected around the world. He has met heads of state, and advised American Presidents, but it is interesting because it is home where his heart still is. There is no place he would rather be than in Scott County, TN, surrounded by his friends, his family, his dogs, and taking in the view of what is called the New River—I would really say it is his new river—out the back of his cabin.

I remember one of my first visits—it may have been my first visit—to Scott County and to Huntsville, and to his home. Karyn and my three boys were with me. He said, Bill, you and Karyn look around. He took my three boys back to his darkroom. We all know about his passionate love for Photography. He patiently walked them

through the process. That has been burned in their minds as they remember slowly watching pictures come alive in the developing solutions. In fact, I remember one photograph that day was of his soon to be bride Senator Nancy Kassebaum. I was touched that he would take such time to spend with my boys talking about the art of photography, which is his favorite, and remains his favorite, avocation.

As a husband and father, I am grateful for the warmth and the caring he has so generously shared with Karyn and me and our three boys, and as an American, I am deeply grateful for the service he has rendered in so many capacities to our country.

I have that opportunity every morning bright and early, indeed, walking back and forth down this hall behind me every day, to enter the Howard H. Baker Suites, which is the Republican leader's office, and to walk through those doors, seeing his portrait at the end of the first room in those suites. We feel his influence every day, and we think about it in everything we do.

Senator Baker understood that the Senate is like a family, not unlike his hometown of Huntsville in Scott County. As he reminded us a few years ago, ''What really makes the Senate work is an understanding of human nature, an appreciation of the hearts as well as the minds, the frailties as well as the strengths, of one's colleagues and constituents.''

Winner of the Medal of Freedom, our country's highest civilian award, he set a standard of civility, courage, of goodwill and wisdom that continues to serve as an example for all to follow.

On behalf of the entire Senate and a grateful nation, I commend our former colleague the Honorable Howard Henry Baker, Jr., for a lifetime of distinguished service to the country, and I wish him and Nancy Kassebaum all the best in this new chapter of their life.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I feel honored to be here today to support this resolution recognizing the lifetime achievements of my good friend Howard Baker. Howard and I have been friends for a very long time. We arrived in the Senate at about the same time. Howard was elected in 1966, and I was appointed in 1968. In 1977, Howard became minority leader. I was elected minority whip. We became leaders of the majority in the Senate in 1981. Being part of the Senate leadership was a new chapter in my life, and I was privileged to start out on that path with Howard Baker.

After the 1980 elections, we traveled together to the White House almost every couple of weeks to meet with President Reagan. I cherish those trips to the White House to this day. They remain some of my favorite memories of the time I have spent here in the Senate.

Howard Baker is a great leader. He understands how to bring people together to accomplish great things. Those who were here during Howard's tenure, I am sure, remember his commitment to collegiality and fairness. It earned him tremendous respect among his colleagues in the Senate. He was a great choice for majority leader. All of us were honored to serve with him.

In early 1984, I went to his office to discuss the future. Howard convinced me I should plan to stay in the Senate. Later that year, however, Howard announced his own retirement. And, as we know, he later became President Reagan's Chief of Staff.

Catherine and I were sad when Howard lost his first wife, Joy. She was a wonderful woman. We were glad when he and Nancy found each other. Nancy, who is also a friend, served as a distinguished Senator here in her own right. She has been a great friend and partner for our friend Howard.

In 1989, the day before Catherine and I were married, Howard called to tell me he needed to go to China, but Joy was ill—she was in the hospital—and Howard could not leave. Deng Xiaoping had called, as leader of China, and wanted to understand what ''Reaganism'' meant. When Howard could not go on the trip which Ronald Reagan asked him to take to answer that question, Howard dispatched me on that mission. Again, it was a wonderful memory for me, and I appreciated that honor.

Catherine and I were married on December 30 and left for China on December 31. There was no time for a honeymoon. But we got on that plane to China at Howard's request, and we haven't stopped since. I am reminded of that every year now, and it has finally caught up with me. Catherine and I are scheduled to take that honeymoon this spring. So I am not allowed to call Howard to congratulate him because we cannot risk being dispatched again to some foreign country.

Howard's time as Ambassador to Japan is only one chapter in the long and distinguished career the leader just talked about, a career that he spent serving the American people so well. Few men are more deserving of the honor of such a resolution, and Catherine and I wish our good friend and his good lady great luck in their pursuits.

Mr. BYRD. Mr. President, I am pleased and proud to cosponsor today's Senate resolution that honors my good friend and former colleague, Senator Howard Baker, for his lifetime of public service.

As the Senate Democratic leader from 1977 to 1980, I had the pleasure to work with Senator Baker, first when he served as the Senate minority leader. From the start, I found my leadership relations with Senator Baker to be excellent, and that never changed. Make no mistake, he was a tough competitor, but he always remained amiable and friendly to work with, in short, a gentleman in the true sense of the word. He was necessarily partisan, but not overly so. I will never forget his extraordinary cooperation in obtaining consent for ratification of the Panama Canal Treaties. The legislative accomplishments of the 94th and 95th Congresses were a testament to our cooperation.

My admiration for Senator Baker increased even more when he became majority leader in 1981. He remained cooperative, friendly, and easy to work with. When I paid tribute to Senator Baker on the occasion of his birthday in 1983, I stated that Senator Baker was ''the most congenial and likable of all the majority leaders in my time here.'' ''He is accommodating,'' I pointed out, and I marvel at his equanimity. He takes everything in stride. He does not appear to be overwhelmed by the power of his office. I recall quite clearly how all Senators, on both sides of the aisle, liked Howard Baker and had a genuine fondness for him.

One of my saddest days in the Senate came that same year when I learned of Senator Baker's decision not to seek reelection. I expressed my deep regrets, stating: ''Having worked with Howard Baker in the leadership in one fashion or another for a long period of time, I have a real and a very deep admiration for him, and I have a warm glow of friendship that has never ceased to burn brightly.'' I finished that tribute by reciting a poem by Ralph Waldo Emerson, ''A Nation's Strength,'' as testament to my high regard for Senator Baker.

Since leaving the Senate, Senator Baker has gone on to serve our country in a number of other, important capacities, including Chief of Staff to President Ronald Reagan, a member of the President's Foreign Intelligence Board, and U.S. Ambassador to Japan.

Therefore, on this special occasion, when the Senate is honoring this great man for his service to our country, I wish once again to recognize his service to our Nation.

God give us men!

A time like this demands strong minds,
great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.

Men who can stand before a demagogue
And brave his treacherous flatteries without winking.

Tall men, sun—crowned;
Who live above the fog,
In public duty and in private thinking.
For while the rabble with its thumbworn creeds,
It's large professions and its little deeds,
mingles in selfish strife,
Lo! Freedom weeps!
Wrong rules the land and waiting justice sleeps.
God give us men!

Men who serve not for selfish booty;
But real men, courageous, who flinch not at duty.
Men of dependable character;
Men of sterling worth;
Then wrongs will be redressed, and right will rule the earth.
God Give us Men!

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

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

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator for giving me this opportunity. I am glad to join with the President pro tempore and the majority leader in cosponsoring this resolution. I would like to add a few words about Howard Baker.

When Howard Baker left for Japan, there was an enormous ceremony hosted by the President of the United States in the East Room. It was a signal of the importance of our country's relationship with Japan. It was a demonstration of the long list of distinguished United States Ambassadors to the country of Japan. It was a reminder of the importance of the job Ambassador Baker would have at this listening post and action post in Asia.

Howard Baker's coming home deserves a little bit of fanfare, too. The relationship between Japan and the United States has never been better. A good bit of that credit goes to President Bush and Prime Minister Koizumi for their close relationship, but Howard Baker had a lot to do with it, too. His homecoming helps to bring to a close, as Senator STEVENS and Senator FRIST have said, another chapter in one of the most distinguished public careers in our country.

Howard Baker was a very successful Senator. There would not have been a Reagan Presidency, as we know it, without Howard Baker. I remember Howard Baker told me that when the tax cuts passed in the early 1980s, after the Republican majority was elected, he, Senator Baker, the majority leader, took the tax cuts and walked them over to the House of Representatives and handed them to Tip O'Neill. Then, of course, Senator Baker put his own Presidential aspirations aside a few years later and served as Chief of Staff for President Reagan. I was living in Australia at the time, and I remember the relief the Australians had in 1987 hearing on the radio that Howard Baker was going to the White House to help straighten out some problems.

I saw him up close, and I have seen him up close for a long time. I came here to this body in 1967, as his legislative assistant, 1 year before the President pro tempore became a Member of this Senate. Howard Baker was not a shy first-termer. We sat around in staff seats in the back of the Chamber and waited until he and TED KENNEDY, then another young Senator, took on Everett Dirksen and Sam Ervin on ''one man, one vote.'' The youngsters beat the oldsters on that vote.

He ran for leader twice, I think, in the first 6 years. In 1977, he changed the name ''Minority Leader'' to ''Republican Leader'' on the wall out here. He began to talk about the second-best view in Washington being in the leader's office. And we knew he was thinking about trying for the first-best view in Washington, which is from the White House.

When he accepted this post in Japan, at President Bush's request, some people said to me: Why in the world would Howard Baker do that, with all he has already done in his life? I was not one bit surprised that he did. Howard Baker has always had the bit in his teeth. He has done everything he has ever done with consummate skill.

He is the reason I am in public service today. We once said there was a whole generation of us—former Senator Thompson, the late Howard Liebengood—a number of us who were a generation of people inspired by Howard Baker. Now there is a second generation, including our majority leader.

There really would not be a two-party system in Tennessee without Howard Baker.

We used to say the best thing about Howard was that when people saw him on TV, he always made Tennesseans look good. We can now say that about the country. When people see Howard Baker around the world, he makes us Americans look even better. He represents the best of us.

We welcome him home just in time for his 80th birthday on November 15, and just in time, I am quite confident, to prepare for another sparkling chapter in one of our country's most distinguished public careers.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Democratic leader.

TRIBUTE TO DAVID NEXON

Mr. REID. Mr. President, this week marks the end of the career of a dedicated public servant. David Nexon will be leaving the staff of the HELP Committee after 22 years of remarkable service. He is the minority staff director of the Health Subcommittee, and over the years he has ably served the Senate and the Nation. Senators get the credit for successful legislation, but the public does not see the many thousands of hours of work that staff put in crafting the final legislative work product.

David was instrumental, for example, in the passage of the Children's Health Insurance Program legislation, which brought health care to 6 million children. He was also deeply involved in the passage of legislation which permits workers to maintain health insurance when they change or lose their job. These are just two of the many ways where David's work has enriched the lives of millions of Americans. Indeed, the bill we pass today dealing with genetic nondiscrimination is just one more example of his imprint on this Nation's health care policy.

Mr. President, I spent 6 years on the Senate floor, and I got to know Senate staff really well, because sometimes they spend hours and sometimes days getting ready for legislation that comes to the Senate floor. David is someone whom I got to know. When I saw him, I always knew Senator KENNEDY was nearby, or would be here soon. Senator KENNEDY, of course, can speak for himself, but this man was invaluable to Senator KENNEDY, the committee, and, I believe, the Senate and this country.

As David leaves the Senate, we thank him and his family for all of his sacrifices. He is the epitome of what a public servant should be. I wish him well. I wish him the best of luck in his retirement.

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

GENETIC INFORMATION NONDISCRIMINATION ACT

Mr. FRIST. Mr. President, in a few moments, the Senate will pass the Genetic Information Nondiscrimination Act. When this legislation becomes the law of the land, it will prevent health insurers from denying coverage to healthy individuals, or charging higher premiums based on genetic information. It will also prohibit employers from using genetic information when making hiring, firing, job placement, or job promotion decisions.

I thanked them earlier this morning, but once again I thank Senator OLYMPIA SNOWE, the lead sponsor of this legislation, and one of its leading champions over the years, as well as Senator MIKE ENZI, Senator KENNEDY, and Senator JUDD GREGG. So many people have been involved over the last 7 years on this legislation. I am gratified we are on the cusp of seeing it pass in the Senate and look forward to working with the House of Representatives to have it pass as soon as possible there, so we can get it to the President of the United States.

I think it is a model demonstration of how we are leading today on tomorrow's problems, problems we know increase over time.

Just 2 years ego, the Human Genome Project completed the sequencing of the human genome one year ahead of schedule. With this historic achievement, the pace of scientific discovery

has accelerated. The coming years will bring a wave of new genetics-based treatments and more powerful predictive tests for maladies like cancer, Alzheimer's, and heart disease.

Late last year, for example, the FDA approved a new test that helps doctors determine the most effective medications for treating a particular patient's case of everything from heart disease to cancer. Other new measures can detect genes that can spare women with breast cancer the need to undergo chemotherapy and affect an individual's chances of developing lung cancer. When science detects these genetic sequences, doctors and patients can do a great deal to preempt and prevent the conditions they can cause.

However, the information might also be used to harm. If people run a risk of losing jobs, promotions, or insurance policies on the basis of their genes, many will avoid getting tested and learning about them.

By acting now, we are averting widespread discrimination before it happens—before health insurers are tempted to use powerful new gene technology to decide who gets coverage and who does not.

I urge my colleagues to support the Genetics Information Non-Discrimination Act.

Congess should be forward thinking in the policies we set, instead of waiting until catastrophe looms. This is not a political or partisan issue. It is a matter of civil rights.

In the past, Congress has acted to protect the civil rights of its citizens, most notably through the landmark 1964 Civil Rights Act, the Americans with Disabilities Act, and the Health Insurance Portability and Accountability Act.

Today, we take another critical step forward to protect individuals from the threat of discrimination based on their genes by building on those time-tested laws. The Genetic Information Non-Discrimination Act is comprehensive, reasonable and fair. It is both practical and forward-looking.

Once again, I want to recognize the leadership of Senator SNOWE and Senator ENZI and the broad bipartisan coalition that has finally brought us to this day. I look forward to working with my colleagues in the House to send this to the President' desk for his signature.

Mr. President, does the Senator from Massachusetts wish to say anything quickly?

Mr. KENNEDY. Just for 30 seconds, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, at the outset, I see my chairman, Senator ENZI, who has taken the chair of our committee. I commended him for bringing this legislation up, and I say to you, Mr. Leader, we thank you for your willingness to schedule this legislation. It is of enormous importance. We have had a good debate and discussion about all of the concerns families are faced with without this kind of protection. We thank you very much, and Senator REID, for getting this legislation up and giving us a chance to express the Senate view on this matter.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, for the information of Members, we will be voting in a few moments on the genetic nondiscrimination bill. For the remainder of the day, we will be working on the Lebanon resolution, the committee funding resolution, and some military nominations that have been reported by the Armed Services Committee.

As I mentioned earlier this morning, we will convene tomorrow for the reading of Washington's Farewell Address. However, we do not expect any business to be transacted tomorrow.

We are hoping to begin consideration of the bankruptcy bill that was passed out of the Judiciary Committee today when the Senate returns following the President's Day break. I will be working with the Democratic leader on that agreement and will announce more on that later today.

We have had a good week of work, completing action on the Chertoff nomination, the Nazi War Crimes Working Group extension, the nomination of Robert Zoellick and, in a moment, passage of the nondiscrimination legislation.

Having said that, I hope and expect that this will be the last vote of this week. I want to discuss a few items with the Democratic leader, and we should be able to announce shortly whatever other plans are for later today.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2005—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 306) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the passage of the bill.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Pennsylvania (Mr. SPECTER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

I further announce that if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—98

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Frist	Obama
Boxer	Graham	Pryor
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Burr	Harkin	Rockefeller
Byrd	Hatch	Salazar
Cantwell	Hutchison	Santorum
Carper	Inhofe	Sarbanes
Chafee	Inouye	Schumer
Chambliss	Isakson	Sessions
Clinton	Jeffords	Shelby
Coburn	Johnson	Smith
Cochran	Kennedy	Snowe
Coleman	Kerry	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lieberman	Voinovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden
Dodd	Lugar	

NOT VOTING—2

Biden	Specter

The bill (S. 306), as amended, was passed.

Mr. DOMENICI. Mr. President, I am pleased to have supported the ''Genetic Information Nondiscrimination Act of 2005,'' a bill that will prohibit discrimination based on genetic information with respect to employment and health insurance. This bill represents much cooperation on the part of my colleagues, and I want to thank them for all the hard work done on this important issue.

I am extremely pleased with today's passage of the Genetic Information Nondiscrimination Act as it marks a great milestone for those of us involved in the Human Genome Project. It seems only a short time ago that the Human Genome Project was created as a joint effort between the Department of Energy and the National Institutes of Health. What progress we have made.

In the last 2 years, there have been many events celebrating the completion of maps of the human genome. The genome map has brought a promise of improved health through revolutionary new treatments for illness and disease. The ultimate result of mapping the human genome is a complete genetic blueprint, a blueprint containing the

most personal and most private information that any human being can have. We will now have a wealth of knowledge of how our countless individual traits are determined. And perhaps more important, we will have fundamental knowledge about the genes that can cause sickness and sometimes even death.

Our personal and unique genetic information is the essence of our individuality. Our genetic blueprint is unique in each of us. However, as genetic testing becomes a more frequently used tool, we now must begin to address the ethical and legal issues regarding discrimination on the basis of genetic information. Questions regarding privacy and confidentiality, ownership and control, and consent for disclosure and use of genetic information need to be carefully considered.

An unintended consequence of this new scientific revolution is the abuses that have arisen as a result of our gathering genetic information. Healthy people are being denied employment or health insurance because of their genetic information. By addressing the issue of nondiscrimination, we are affirming the right of an individual to have a measure of control over his or her personal genetic information.

Genetic information only indicates a potential susceptibility to future illness. In fact, many individuals identified as having a hereditary condition are, indeed, healthy. Some people who test positive for genetic mutations associated with certain conditions may never develop those conditions at all. Genetic information does not necessarily diagnose disease. Yet many people in our society have been discriminated against because other people had access to information about their genes, and made determinations based on this information that the individual was too risky to ensure or unsafe to employ.

While the issue is complex, our objective is clear; people should be encouraged to seek genetic services and they should not fear its discriminatory use or disclosure. The Genetic Information Nondiscrimination Act is an important first step toward protecting access for all Americans to employment and health services regardless of their genetic inheritance. There is simply no place in the health insurance or employment sector for discrimination based solely upon genetic information.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2005

Mr. ENZI. Mr. President, I rise to speak on the promise of genomics.

''Dazzling thrilling astonishing breathtaking''. Even for a group given to hyperbolic speech, the language my colleagues used in this Chamber 2 years ago to describe advances in human genetics is both extraordinarily intense and factually accurate. Little has changed since 2003. Indeed, little has changed in the 9 years we have been considering this legislation. What remains the same is that the tremendous promise of this fundamental scientific advance remains incompletely realized. I am truly concerned that, at the very time in healthcare that we need innovation the most, we tacitly accept limitations on the application of this ''tremendously powerful tool.''

It is vital to understand that we have hurtled forward, over a remarkably short period of time, into an entirely new era of medical practice, one the majority leader believes will be characterized by ''advances . . . more dramatic than any . . . I had the opportunity to . . . participate in over twenty years in . . . medicine''. Barely 50 years ago, Drs. James Watson and Francis Crick completed the work begun by the 19th century Austrian monk, Gregor Mendel, when they discovered the double-helix structure of DNA, the substance of which genes are composed. Four nucleotides, a simple combination of phosphate, nucleic acids and sugar, are arranged in an infinite variety of pairs within genes that, in turn, are distributed amongst the 46 chromosomes, which constitute the normal human genome. Operating according to the instructions contained in the DNA, cells in the body produce proteins that control the expression of our individual heredity, e.g. color of hair and eyes, and determine, in part, whether we will be sick or well.

Hardly 2 years ago, Dr. Francis Collins and colleagues at the NIH National Human Genome Research Institute completed mapping of the human genome, determining the exact location of the 3.1 billion base pairs that constitute our ''blueprint of life''. It is encouraging to note that, in an era where government programs are beginning to receive the scrutiny the public deserves regarding results, this program completed its Herculean task 2 years ahead of schedule. As representatives of the people, we now have the opportunity and the responsibility to help scientists and clinicians bring this basic research forward to the hospital, the clinic, even to our very workplaces and homes. There are many, both sick and well, who are counting on us to help put that blueprint to use.

How does the science of genetics, simple and straightforward as it may be to the experts, translate into something with meaning to those outside the scientific community: the Congress; and the citizens whom we represent? In particular, why should the rancher in Cody or small businessman in Gillette care? I can think of three ways.

First, our Declaration of Independence states that we are ''endowed by our Creator with . . . unalienable rights (including) life, liberty and the pursuit of happiness''. Clearly, the state of our health can determine how successfully we exercise at least two of those rights. For example, patient care can be much more individualized if it is based on an understanding of the human genome. Current medical practice applies the results from studies obtained in groups of patients to the treatment of the individual; within each group, however, there are patients who respond better or worse to the therapy offered, compared to the response of the group as a whole. The former may be undertreated by standard therapy—they could recover faster or more completely, while the latter may be overtreated—developing complications of therapy that may prove worse than the disease itself. Providers need a way to predict what an individual's response to treatment is likely to be so that a particular course of therapy can be modified intelligently and expeditiously. That flexibility in treatment, guided by an understanding of the patient's unique, genetically determined response, should result in better outcomes. Even today, oncologists are treating cancer patients with protocols that take into account genetically determined differences in how individuals absorb, metabolize and excrete drugs. Drug therapy for other diseases should show similar, clinically relevant variability. Similarly, cardiologists caring for patients with hereditary long QT-interval syndrome, a disturbance in heart rhythm that can lead to sudden death in healthy young people during exercise, are beginning to use genetic testing to help select patients for treatment or observation and to choose amongst the therapeutic options available—lifestyle changes, drug therapy and surgery—the ones most likely to be of benefit.

Second, we recognize, based on long experience, that prevention is better than cure, both for the individual and for society as a whole. Early identification of a genetic predisposition to develop a specific disease can be crucial to an effective intervention, one that, quite often, will be less costly, too. For example, cystic fibrosis—an inherited disease producing life-threatening digestive and respiratory symptoms—is the most common, recessively inherited condition afflicting white American children. Scientists have identified over 700 genetic variations of cystic fibrosis, some of which help to define the clinical manifestations of the disease. Treatment programs for cystic fibrosis that emphasize preventive therapies are associated with the best outcomes. Early identification of those at risk and more precise characterization of what those risks will be facilitates a more productive program of monitoring, more aggressive preventive care and focused treatment. Likewise, sickle cell anemia, an inherited abnormality in the production of hemoglobin, the molecule in the blood

that carries oxygen to the cells, is prevalent in African Americans. Sickle cell disease, the most severe variant of this condition, carries a significantly increased risk of disability and early death through a variety of infectious and thrombotic complications. Changes in lifestyle and compliance with regimens of preventive care, e.g. prophylactic antibiotic therapy, are easier for affected individuals to tolerate if they believe that the risks and benefits really apply to them.

Some might argue that diseases like these, though unquestionably worthy of public attention, represent a lesser national priority when compared to the other health care needs. In addition, other pressing domestic and international concerns—deficit reduction and national security—figure prominently, as they should, in the national debate. Wyoming has relatively few citizens at risk for some of the diseases I highlighted today, so most citizens of my state might, understandably, focus their thoughts elsewhere.

I think there are two reasons why they don't. The people of Wyoming take appropriate responsibility for one another's well-being. They lend a hand whenever help is necessary, not in the expectation that to do so will be of direct benefit to them, but because it is, simply, the right thing to do. There is a direct benefit, however, to be realized. Full implementation of the results of the human genome project will have a revolutionary impact on diseases that are of concern to all of us, in Wyoming and across the United States, regardless of our age, gender, or ethnicity. Already, experts recognize the practical and the potential applications of genetic research to the diagnosis and treatment of cancer—e.g., breast, colorectal and ovarian—heart disease, degenerative neurological disease—e.g., Alzheimer's and Parkinson's—diabetes, and asthma. No longer is it science fiction to anticipate that primary healthcare providers will, by combining environmental risk assessment and education with genetic evaluation, be able to develop, implement and monitor a comprehensive, life-long health plan that maximizes wellness.

Third, and, perhaps, most important of all, Americans must recognize that they have a civic responsibility not only to care for their own health, but to participate in the research yet to come that moves the science of healthcare forward for everyone. Those of us, including myself, who have contributed to this discussion over the last 9 years have all noted the remarkable ''explosion of knowledge'' and the ''great strides'' in healthcare that have resulted from research already performed. More importantly, though, we recognize that, while the science of human genomics has ushered in a new era of vast potential, that promise has not yet been fully realized. There is much that remains to be done to ''unleash the power'' of this science to change permanently the practice of healthcare for the better. Clinical trials are still necessary, to validate reasonable hypotheses and to determine where innovations should fit into practice. Once integrated, the actual effect of these innovations must be accurately and precisely assessed, recognizing that experience is the great teacher. We must work to foster a culture of enlightened self-interest in the American people, underscoring their altruistic motivation to do what's right. Finally, we have a responsibility to encourage our fellow citizens to participate fully in their own healthcare by working with their providers to incorporate advances in science into their personal health plans as quickly as possible.

Inherent in discharging this responsibility is the need to remove barriers to action. Thomas Jefferson said, ''Laws and institutions must go hand in hand with the progress of the human mind.'' No better example of this truism exists than the challenge we face in fulfilling, completely, the promise of the genomic revolution. Our objective is clear: to encourage people to seek genetic services, and to participate in essential genetic research, by reducing fears about misuse or unwarranted disclosure of genetic information.

I applaud my colleagues in voting for the Genetic Information Nondiscrimination Act of 2005.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Oregon.

MORNING BUSINESS

Mr. WYDEN. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PRESCRIPTION DRUG PRICES

Mr. WYDEN. Mr. President, getting a good deal for our senior citizens on prescription medicines is too important for word games. In the public debate over the prescription drug benefit, it is regrettable, because the administration seems to be confusing the matter of negotiation to get the seniors a good price with what constitutes price controls. This afternoon I would like to set the record straight.

First, I want to be clear: I am against price controls for this program. I am not in favor of mandating prices. I am against the whole concept. But what I have been talking about over the past 3 years, particularly with the bipartisan legislation I have with Senator SNOWE, is negotiating, which has Medicare sitting down and negotiating for the millions of older people who are going to be relying on this benefit in the years ahead.

If anybody is not sure what negotiating is, if anybody can't tell the difference between negotiation and price controls, I want to be specific about what constitutes negotiation. First, with negotiation, you simply sit down at the table. You say to the people you are negotiating with: I am one of your best customers. And third, you say: So, buddy, what are you going to do for me. And this, of course, is what goes on in the private sector in Minnesota, in Oregon, in Florida, every part of the country.

To tell the truth, I guess I have more faith in the folks over at Medicare than they do in themselves, because I noted that the Medicare chief actuary said yesterday this kind of negotiating power isn't going to do anything, isn't going to produce any savings, and talked about how this was going to lead to price controls and that sort of thing.

I happen to think that Medicare, through their talented folks, does have the ability to negotiate better prices, as does the private sector. But if they don't think they do, they can bring in some negotiators who make sure that the older people do get a good deal.

The story that has been trotted out in the last 24 hours is about previous and fruitless negotiations for other drugs. Cancer drugs have been cited, for example. I think that is comparing apples to oranges. There wasn't any negotiation in the past. Medicare paid up. Medicare paid up, and that was the end of it.

What I hope the Senate will see is that there is a real distinction between the kind of bargaining power Senator SNOWE and I want to see this program have at a critical juncture and the notion of price controls, which we do not support and oppose strongly.

It comes down to whether the Senate wants Medicare to be a smart shopper. I have said that Medicare purchasing of prescription drugs is like the fellow in Price Club buying toilet paper one roll at a time. Nobody would go out and do their shopping that way. Yet that is essentially what the country faces, if there are no changes at all.

One other point on this issue is also worth noting. Yesterday Secretary Leavitt came to the Finance Committee and was asked by me and Senator SNOWE and others about this question of how to contain costs for prescription drugs. The Secretary said he was hopeful that in July and August Senators and Members of Congress and others would go home and make the case to constituents this was a good program and that older people and their families would sign up for the benefit. I said to the Secretary during the course of questioning, as somebody who voted for the benefit, I hoped that was the case, that folks would sign up,

but that the big barrier to older people signing up is they were skeptical that the costs would be restrained. Older people were concerned about the costs of medicine in Georgia and Oregon and everywhere else.

The Secretary's comment was: Well, there are going to be plenty of private plans, and the private plans are going to hold the costs down.

My response was, I certainly hope that is the case. That was one of the reasons I felt it was important to get started with the program and why I voted for it. But I pointed out to the Secretary that may be the ideal, but what would be done in areas where there weren't a number of private plans and the opportunity to hold the costs down. That will certainly be the case in areas where there are what are called fallback plans. My guess is in rural Georgia and rural Oregon, we are going to see a number of those fallback plans because those are communities where you are not going to see multiple choices for the seniors. You will be lucky to have one plan, if there is to be any coverage for the older people.

What Senator SNOWE and I have said is that at a minimum, let's make sure in those areas where the older people don't have any bargaining power, it is possible for the Government to step in and make sure seniors and taxpayers can get the best possible deal on medicine.

In effect, what Senator SNOWE and I have been talking about is the position of Mr. Leavitt's predecessor, Secretary Thompson. At Secretary Thompson's last press conference he said, almost verbatim, that he wished the Congress had given him the power Senator SNOWE and I believe is important for this program.

In saying so, the Secretary made it clear, also, he was not for price controls; he wasn't interested in a one-size-fits-all approach to containing costs. He simply made clear that if it is apparent in a community that the older people won't have any bargaining power at all because choices are limited, the Secretary wanted essentially a kind of fallback authority, which would mean the Government at that point could make sure the older people and taxpayers were in a position to have some leverage in the marketplace.

I asked the Secretary why he disagreed with his predecessor. I asked specifically: Why do you see it differently than Secretary Thompson? Essentially, he said he simply believes in the marketplace, and there are going to be lots of choices. I hope he is right. I know he is certainly sincere in his views.

What I am concerned about is, I think it is going to be very hard for the Senator from Georgia and other colleagues to go home in July and August and get the older people to sign up for this program if they don't see this body is taking additional bipartisan steps to control costs. The older people are reading the newspaper and walking into their pharmacies, and they are seeing what is going on.

Regrettably, the cost of the program has continued to go up. We can debate how much it has gone up. I am not interested in some kind of partisan wrangle on it. But the cost of the benefit has gone up. And the number of seniors who have signed up for the first part of the benefit was really very low. So what this has created is a situation for the prescription drug benefit, where there is a real likelihood that a huge amount of Government money will be spent on a very small number of people. That is not a prescription for the survival of the program. Certainly, as somebody who voted for the program, I want to see it survive. So I will keep up my end of the bargain. I will keep working on a bipartisan basis.

I want to express my continued interest in working with the Bush administration to save this prescription drug benefit that we worked so hard to get off the ground. We need to have an honest conversation about how to do it. I don't think that conversation is helped by this confusion about what is the difference between negotiating—which I and Senator SMITH and Senator SNOWE have advocated—what goes on in the private sector and what constitutes price controls. Senator SNOWE and I want to be for what goes on in the private sector. We are against price controls.

This will certainly not be the last time this topic is discussed on the floor of the Senate. It certainly won't be the last time that I discuss it. I am glad to have the chance to take a few minutes to set the record straight because I think there was needless confusion on this point in the last 24 hours. I think the remarks of the Medicare chief actuary were unfortunate. I guess I have more faith in the folks at Medicare to be able to negotiate good deals than they apparently do in themselves. I simply urge that there be a continued focus on this program during this crucial month, where it is going to be important to get older people to sign up. The key to getting them to sign up will be to hold down the cost.

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. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

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

FIRST RESPONDERS

Mr. FRIST. Mr. President, my first statement refers to first responders and the tremendous progress made over the last several years in addressing responses to emergencies of all types. On Tuesday, the director of the Tennessee Emergency Management Agency came to Washington to brief me and the entire Tennessee delegation on our State's homeland security needs. It was fitting, I was thinking at the time, for him to be here on the day that we voted on the nomination of Judge Michael Chertoff.

It has been 3½ years since we were attacked on September 11. Since then we have taken significant steps to strengthen and improve in so many ways our homeland security, from information and technology to training and to overall preparedness. The Department of Homeland Security was established in March of 2003 and has been central in overseeing and coordinating all of these efforts. It is a huge job. I applaud Secretary Tom Ridge for his skillful leadership during those very uncertain times.

Since the September 11 tragedy, we have taken a number of steps. We hardened cockpit doors on 100 percent of large passenger aircraft; 100 percent of all baggage is screened. We have deployed thousands of Federal air marshals and professionally trained screeners at our ports. We now screen 100 percent of high-risk cargo. We have also launched the US VISIT system which creates a database of pictures and finger scans of everyone entering the United States with a nonimmigrant visa. All of these preventive measures, along with many others, are indeed making America safer and more secure.

September 11 taught us that the front lines of a catastrophic terror attack are not here or in policy but are local, in communities all across this country. It is the folks in our fire departments, in our police stations, in our emergency rooms, and in the volunteer corps. It is the brave men and women who rush to an attack site with almost superhuman stamina and compassion, working to save their fellow citizens.

I am reminded of the Memphis and Shelby County Urban Search and Rescue Task Force that traveled to Washington to help at the Pentagon after September 11. All airplanes were shut down. The team loaded two tractor trailers, three buses, and a few cars, and drove all through the night from Tennessee until they arrived early in the morning of September 12th. It was a team of firefighters, doctors, nurses, computer technicians, and rescue dog handlers who worked 12-hour back-breaking shifts every day for days—believe it was a total of 8 days—to help secure the Pentagon's structure and save lives.

Two or three days after September 11, I had the opportunity to go and visit with this rescue task force and to

thank them. I remember vividly the day, with the large American flag still on the debris of the Pentagon behind the setup of the task force, and that large Tennessee flag. At that time, all I could say was: Thank you for being on the front line, for responding so immediately, for leaving the comfort of your own homes to volunteer to respond. Like so many brave and committed first responders from around the country, their assistance was invaluable.

Tennessee received $32.4 million for fiscal year 2004 and $32.6 million for fiscal year 2005 to continue training and strengthening our first responders and local capabilities.

This month, fire departments across the State were awarded grants to promote fire safety and prevention. Meanwhile, Tennessee has established 26 Citizen Corps Councils to help coordinate emergency volunteers. As we learned on 9/11, we are all in this together.

Another area that must be addressed is our biohazard preparedness. We know that at least 11, and as many as 17, nations already have offensive biological weapons programs—at least 11 nations. Experts believe these countries' arsenals are stocked with agents that could be devastating as weapons. The United States must be prepared for the eventuality of another bioterror attack. That is why in the last Congress we passed Project Bioshield, which authorizes $5.6 billion over 10 years for the development of vaccines and a whole range of other countermeasures against potential biological attacks. Such potential attacks could include those of smallpox, anthrax, and botulism toxin, as well as other dangerous pathogens such as Ebola and plague.

This sort of legislation shows us leading on the challenges of tomorrow. These are proactive pieces of legislation that are preventive, that make us safer and more secure. This legislation will help ensure that our public health agencies focus, in a deliberate and comprehensive way, on developing drugs and countermeasures and vaccines and devices whether it is against a biological attack or chemical attack or radiological attack or an attack by nuclear agents or dirty bombs.

This year, we hope to build on these measures with another bioshield act which is designed to better protect and strengthen our domestic public health infrastructure. Specifically, this legislation improves the availability and accessibility of vaccines. It strengthens our capacity to respond efficiently in the event of a public health emergency. And it gets more first responders into the field by offering loan repayments in return for service at the FDA, the Food and Drug Administration, or the Centers for Disease Control and Prevention, the CDC, or the National Institutes of Health, or other public health agencies.

Well, there is much to do to make America safer and more secure, from the war on terror, to strengthening the homeland. Next week, I will be returning to my State, as most of our colleagues will be doing during this period of recess, and attending a conference in Tennessee on a study of what our current plans are and to also explore ways in which we can maximize our efforts. It is hard to plan when we do not know what might be next. That is why we must be ever vigilant and ever creative in securing ourselves from attack. From our Federal officials, to our local volunteers, protecting the homeland is everyone's duty.

ACCOMPLISHMENTS OF THE SENATE AND LOOKING AHEAD

Mr. FRIST. Mr. President, before wrapping up, I will look back, very briefly—which I tend to do right before we go into a recess—and also look forward, very briefly.

Let me summarize the last 3 weeks as being gratifyingly productive. I say that because last Thursday, by a vote of 72 to 26, the Senate passed the Class Action Fairness Act. The process was bipartisan throughout. It was a great legislative victory for the Senate and, subsequently, for the House of Representatives, which passed the bill today. Soon the President will sign this very important issue that addresses lawsuit abuses.

Senator GRASSLEY, who was the lead sponsor of the bill, had been working on class action reform for over a decade. Last week, we finally delivered. I commend my colleagues for their fairness and their cooperation.

I applaud also Senator ARLEN SPECTER, who has not been with us the last couple of days, but I talked to him a few minutes ago, and he is doing very well. I applaud him for his leadership because it was through his committee, the Judiciary Committee, that class action was first addressed and brought to the floor, again, with a bipartisan vote, and ultimately passed. I thank Senator SPECTER for his tremendous leadership.

Building on the momentum of the class action bill, we passed the Genetic Information Nondiscrimination Act today, not too long ago, with a vote of 98 to 0. I once again thank Senator OLYMPIA SNOWE, who was the lead sponsor of that legislation and has been one of its leading champions for many years. It was a bipartisan piece of legislation, obviously, with a vote of 98 to 0.

On the other side of the aisle, Senator KENNEDY, and on our side of the aisle, Senator GREGG and Senator MIKE ENZI—all of them have been thanked over the course of the day. I thank them. And I thank the Democratic leader, as well, Senator REID, for facilitating passage of this important piece of legislation.

When this bill becomes the law of the land, it will prevent health insurers from what can be very tempting for an unscrupulous health insurer, and that would be to reach down and grab information that is important to a patient but that information could be used against the patient.

It will prevent insurers from charging higher premiums based on the results of genetic testing. It will also prohibit employers from potentially using genetic information when considering hiring or firing somebody or considering job promotions.

This bill, the Genetic Information Nondiscrimination Act, is a model of how again we can lead today on tomorrow's problems. As the science advances, genetic tests will be used with increasing frequency, and the likelihood, without this bill, would be for abuse of this genetic information. It is hugely powerful for the patient, but if misused, detrimental to the patient. This legislation addresses that potential problem right up front and prevents that from happening.

Over the last 3 weeks, we also confirmed the last of the President's Cabinet nominees. We approved Condoleezza Rice as Secretary of State, Alberto Gonzales as Attorney General, Samuel Bodman to lead the Energy Department, and Michael Chertoff as head of the Department of Homeland Security.

Earlier today, the President announced his selection of John Negroponte to serve as the Director of National Intelligence. We had the opportunity last night to have a presentation, an exchange of information, with Ambassador Negroponte, who is serving us so well today in Iraq.

Ambassador Negroponte, as Director of National Intelligence, will be responsible for revamping and integrating America's 15 intelligence-gathering services. As the U.S. Ambassador to Iraq and the United Nations, he has proven his ability to manage complicated organizations and tackle the difficult challenges we face today under intense pressure.

He understands the needs of policymakers, and he understands how the executive branch works. I look forward to his swift confirmation. I look forward, personally, to working with Ambassador Negroponte in the weeks and months ahead. I hope we will be able to consider his confirmation process in the very near future.

The Senate has spoken out on some of the most important issues of the day as well: the Iraqi elections, the Palestinian elections, the assassination of Lebanese Prime Minister Rafiq Hariri.

When we return from our short recess—and, again, most people will be going back to their States in order to be with their constituents over the next week—we will continue keeping our eye on events at home as well as

abroad. We will return after our recess to look at issues such as bankruptcy, which we will address as soon as we come back. We will address the supplemental the President has delivered to us. And, of course, we will be addressing the budget as well.

As I promised when we began the 109th Congress, it is our job to deliver meaningful solutions on the challenges that are ahead.

It is our duty and our privilege to keep America moving forward.

RULES OF PROCEDURE—COMMITTEE ON APPROPRIATIONS

Mr. COCHRAN. Mr. President, the Senate Appropriations Committee has adopted rules governing its procedures for the 109th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BYRD, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

SENATE APPROPRIATIONS COMMITTEE RULES—109TH CONGRESS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of staff members at closed sessions of the Committee shall be limited to those members of the Committee staff who have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriations bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriations bill.

IX. EX OFFICIO MEMBERSHIP

The Chairman and Ranking Minority Member of the full Committee are ex officio members of all subcommittees of which they are not regular members but shall have no vote in the subcommittee and shall not be counted for purposes of determining a quorum.

RULES OF PROCEDURE—COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SHELBY. Mr. President, in accordance with rule XXVI.2. of the Standing Rules of the Senate, I submit for publication in the RECORD the rules of the Committee on Banking, Housing, and Urban Affairs, as unanimously adopted by the Committee on January 26, 2005.

I ask unanimous consent that the text of the committee rules be printed in the RECORD.

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

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

RULE 1. REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2. COMMITTEE

[a] Investigations. No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Member have specifically authorized such investigation.

[b] Hearings. No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[c] Confidential testimony. No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[d] Interrogation of witnesses. Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

[e] Prior notice of markup sessions. No session of the Committee or a Subcommittee for marking up any measure shall be held unless [1] each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or [2] the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

[f] Prior notice of first degree amendments. It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection [e][1] have been met.

[g] Cordon rule. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3. SUBCOMMITTEES

[a] Authorization for. A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

[b] Membership. No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

[c] Investigations. No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

[d] Hearings. No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

[e] Confidential testimony. No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

[f] Interrogation of witnesses. Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

[g] Special meetings. If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

[h] Voting. No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4. WITNESSES

[a] Filing of statements. Any witness appearing before the Committee or Subcommittee [including any witness representing a Government agency] must file with the Committee or Subcommittee [24 hours preceding his or her appearance] 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

[b] Length of statements. Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

[c] Ten-minute duration. Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

[d] Subpoena of witnesses. Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

[e] Counsel permitted. Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

[f] Expenses of witnesses. No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

[g] Limits of questions. Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5. VOTING

[a] Vote to report a measure or matter. No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

[b] Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6. QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7. STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8. COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE—RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

[d][1] Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.

2. Control of prices of commodities, rents, and services.

3. Deposit insurance.

4. Economic stabilization and defense production.

5. Export and foreign trade promotion.

6. Export controls.

7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

[1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

NOMINATION OF AMBASSADOR JOHN NEGROPONTE

Mr. KENNEDY. Mr. President, today President Bush nominated Ambassador John Negroponte to be the new Director of National Intelligence. Rarely will a nominee so clearly go from the frying pan to the fire.

Ambassador Negroponte will face enormous challenges in his new position just as he has in his current position as our Ambassador to Iraq. His experience there will serve him well, since the war with Iraq has made the country a breeding ground for terrorism that did not previously exist. His new top priority must be to keep America's intelligence community focused on the real threat to our national security—the war against al-Qaida.

This will not be an easy task. The ongoing war in Iraq is sapping our military, diplomatic, and intelligence resources. It is a war that did not need to be fought. There were no weapons of mass destruction. There were no persuasive links to al-Qaida. America should not have rushed to war with Iraq. We should have stayed focused on the imminent threat from al-Qaida, a threat that remains strong more than three years after the 9/11 attacks.

CIA Director Porter Goss' statement yesterday that ''Al Qaeda is intent on finding ways to circumvent US security enhancements to strike Americans and the homeland'' is a timely reminder that al-Qaida is still the gravest threat to our national security, and the war in Iraq has ominously given al-Qaida new incentives and new opportunities to attack us.

The warning about al-Qaida's threat was emphasized Admiral James Loy, Deputy Secretary of Homeland Security. He told the Intelligence Committee, ''We believe that attacking the homeland remains at the top of Al Qaeda's operational priority list. We believe that their intent remains strong for attempting another major operation here.''

The danger was also emphasized by Robert Mueller, the FBI Director, who told the Intelligence Committee, ''The threat posed by international terrorism, and in particular from Al-Qaeda and related groups, continues to be the gravest we face.'' Director Mueller said, ''Al Qaeda continues to adapt and move forward with its desire to attack the United States using any means at its disposal. Their intent to attack us at home remains and their resolve to destroy America has never faltered.''

In addition, the threat was emphasized by the Director of the Defense Intelligence Agency, Admiral Lowell Jacoby, who said, ''The threat from terrorism has not abated. . . . The primary threat for the foreseeable future is a network of Islamic extremists hostile to the United States and our interests. The network is transnational and has a broad range of capabilities to include mass casualty attacks.''

Most ominously of all, CIA Director Porter Goss emphasized that terrorists are doing all they can to acquire nuclear materials that can be used in a nuclear attack against any American city. He spoke specifically about the materials missing from Russian nuclear facilities. He said, ''There is sufficient material unaccounted for, so that it would be possible for those with know-how to construct a nuclear weapon.'' His assessment is that ''It may be a only a matter of time before Al Qaeda or another group attempts to use chemical, biological, radiological and nuclear weapons.''

Defense Intelligence Agency Director Jacoby concurred, saying, ''We judge terrorist groups, particularly Al Qaeda, remain interested in chemical, biological radiological and nuclear weapons.''

Admiral James Loy, Deputy Secretary of Homeland Security warned, ''Al-Qaeda and its affiliated groups have demonstrated an operational capability to conduct dramatic, mass-casualty attacks against both hard and soft targets inside the United States and abroad . . . The most severe threats revolve around al-Qaeda and its affiliates' long-standing intent to develop, procure, or acquire chemical, biological, radiological, and even nuclear, weapons for mass-casualty attacks.''

CIA Director Porter Goss also said that we've created a breeding ground for terrorists in Iraq and a cause worldwide for the continuing recruitment of anti-American extremists.

His assessment was clear. ''The Iraq conflict, while not a cause of extremism, has become a cause for extremists . . . Islamic extremists are exploiting the Iraqi conflict to recruit new anti-U.S. jihadists . . . These jihadists who survive will leave Iraq experienced in and focused on acts of urban terrorism. They represent a potential pool of contacts to build transnational terrorist cells, groups, and networks in Saudi Arabia, Jordan and other countries.''

American forces served bravely and with great honor in Iraq. But the war in Iraq has made it more likely—not less likely—that we will face terrorist attacks in American cities, and not just the streets of Baghdad. The war has clearly made us less safe, and less secure.

It has significantly increased the challenges to our intelligence community. And it underscores the vital need to have a Director of National Intelligence who understands that it is al-Qaida not Iraq—that has always been and remains the greatest threat to our national security.

In my view, we have no higher priority than to do everything we possibly can to track down and secure the nuclear materials missing from Russian stockpiles or from any other source that might be available to terrorists. The nuclear clock is ticking, and we are living on borrowed time.

50TH ANNIVERSARY OF THE NEW ENGLAND BOARD OF HIGHER EDUCATION

Mr. KENNEDY. Mr. President, on June 2, 1955, the Governors of six New England States recognized the importance of higher education to the region and entered into the New England Higher Education Compact to share the region's higher education resources and to cooperate in meeting the needs of the New England workforce.

The original signers of the New England Higher Education Compact were Governor Abraham Ribbicoff of Connecticut, Governor Edmund Muskie of Maine, Governor Christian Herter of Massachusetts, Governor Lane Dwinell of New Hampshire, Governor Dennis J. Roberts of Rhode Island and Governor Joseph B. Johnson of Vermont.

The legislatures of the six States ratified the compact and the compact was approved by the United States

Congress on August 30, 1954, and the New England Board of Higher Education was created as the interstate agency to carry out the mission of the compact.

In 1957, the New England Board of Higher Education established what has become its flagship program, the New England Regional Student Program, to enable New England residents to pay reduced tuition at out-of-State public colleges and universities in the region when they enroll in degree programs not offered by their home State.

The six New England States agreed in the compact to provide needed, acceptable, efficient educational resources and facilities to meet the needs of the New England workforce in the fields of medicine, public health, science, technology, engineering, mathematics, and other fields of professional and graduate training. Access and affordability have become the hallmark of the Regional Student Program of the New England Board of Higher Education.

The New England Board of Higher Education has, over the course of the last 50 years, saved New England students and their families millions of dollars in annual tuition bills. The New England Board of Higher Education provides professional development training to prepare the region's high school teachers and college faculty to teach in the fields of math, science and technology for thousands of New England's middle, high school and college students.

The Excellence Through Diversity program of the New England Board of Higher Education provides an academic support network to inspire, inform and motivate underrepresented high school students to apply to college, performs research relating to underrepresented groups enrolled in science, technology, engineering and mathematics programs in New England, and supports efforts to increase the number of minority doctoral scholars at New England colleges and universities.

Connection: The Journal of the New England Board of Higher Education is America's only regional magazine on higher education and economic development that provides a key policy forum for New England educators, business leaders, and policymakers to share best practices and current views on higher education and economic development.

For the past 50 years, hundreds of New England's leading citizens in government, education, and business have served as delegates to the New England Board of Higher Education to encourage regional cooperation, increase educational opportunities for residents of the region, and strengthen the relationship between higher education and the region's economy.

We join to congratulate the New England Board of Higher Education on the occasion of its 50th anniversary, and commend the New England Board of Higher Education for its service to New England residents and its commitment to excellence in higher education, and in particular, its distinguished Board of Delegates led by the Honorable Louis D'Allesandro of New Hampshire and its president and CEO, Dr. Evan S. Dobelle of Massachusetts.

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.

In September of 2004, two transgender women were attacked by a group of six or seven teenagers in Washington, DC. One of the women, Kerri Kellerman, suffered two broken ribs, a fractured skull, and a facial wound requiring 40 stitches after being beaten with a brick and a metal padlock. The other woman, a 25-year-old named Jaimie Fischer, reports that the assailants yelled slurs about the victim's sexual orientation during the attack.

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.

ETHA AND DRUG-RESISTANT HIV STRAINS

Mr. SMITH. Mr. President, I discuss a rare strain of HIV that is highly resistant to most antiretroviral drugs and causes a rapid onset of AIDS that was recently discovered in a patient in New York City. The strain, identified as 3–DCR HIV, is resistant to 3 of the 4 classes of antiretroviral drugs, which means that 19 of the 20 available antiretroviral drug combinations would be ineffective for a person with this HIV strain.

Although drug-resistant HIV strains are common in patients who have been treated with antiretroviral drugs, multiple-drug-resistant HIV is extremely rare in patients who are newly diagnosed and previously untreated. Moreover, while HIV infection usually takes about 10 years to progress to AIDS, this patient apparently progressed to AIDS in a matter of months. Combination of a highly drug resistant HIV infection and rapid disease progression has the potential to become a very serious public health problem with global health implications.

The ultimate significance of the new strain is still unknown. Only time will tell whether this was an isolated case or part of an outbreak of similar cases. It is imperative, however, that we take action to identify and halt the spread of aggressive, multiresistant HIV/AIDS strains.

We must continue to build upon and fund existing prevention programs and to strengthen our infectious disease monitoring systems. The CDC, in collaboration with community, state, national, governmental and nongovernmental partners, employs a number of programs designed to prevent HIV infection and reduce the incidence of HIV-related illness and death. By providing financial and technical support for disease surveillance; risk-reduction counseling; street and community outreach; school-based education on AIDS; prevention case management; and prevention and treatment of other sexually transmitted diseases that can increase risks for HIV transmission, such programs have played a key role in reducing HIV transmission.

Stopping the spread of this strain is also critical in order to preserve the effectiveness of existing HIV/AIDS therapies. Not only do such therapies prolong and improve the quality of life of those affected by HIV/AIDS, but they also play a vital role in preventing the spread of the disease. A recent study found that HIV therapies reduce infectiousness by 60 percent. Consequently, that is why I recently reintroduced S. 311, the Early Treatment for HIV Act, ETHA. Supported by a bipartisan group of 31 Senators, ETHA redresses a fundamental flaw under the current Medicaid system that provides access to care only after individuals have developed full blown AIDS.

ETHA brings Medicaid eligibility rules in line with Federal Government guidelines on the standard of care for treating HIV. 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 access to comprehensive health care. Access to HIV therapies reduces the amount of HIV virus present in a person's bloodstream, viral load, a key factor in curbing infectiousness and reducing the ability to transmit HIV.

Early access to HIV therapies as provided under ETHA would not only delay disease progression and increase life expectancy, but it would also reduce the need for more expensive treatment and costly hospital stays. According to a study conducted by PricewaterhouseCoopers, ETHA would reduce gross Medicaid costs by 70 percent, saving the Federal Government approximately $1.5 billion over 10

years. With the administration looking for ways to reduce Medicaid costs, passing ETHA would be a good start. It's also the right thing to do.

SAFE GUN STORAGE SAVES LIVES

Mr. LEVIN. Mr. President, the debate on how to most effectively combat gun violence frequently centers on the ability of criminals to access dangerous firearms. Today, I would like to call my colleagues' attention to another important issue in our fight against gun violence: the ability of our teenagers and children to access firearms. Safe storage and child access prevention laws are critical steps as we seek to reduce the occurrence of accidental shootings and suicides involving guns. Such tragedies have claimed the lives of thousands of young people and destroyed families even though many of these occurrences could have been prevented by common sense legislation.

According to a Journal of the American Medical Association study released in 2001, suicide is the third-leading cause of death among youth aged 10 to 19. Between 1976 and 2001, the period of the study, nearly 40,000 youth aged 14 to 20 committed suicide using a gun. The study also found that there was a significant reduction in youth suicide rates in States that had child access prevention laws. Unlike suicide attempts using other methods, suicide attempts with guns are nearly always fatal. These children get no second chance.

The Brady Campaign to Prevent Gun Violence reported in 2004 that teenagers and children are involved in more than 10,000 accidental shootings in which close to 800 people die each year. Further, about 1,500 children age 14 and under are treated in hospital emergency rooms for unintentional firearm injuries. About 38 percent of them have injuries severe enough to require hospitalization. Blocking unsupervised access to loaded guns is the key to preventing these occurrences.

A study published last week in the Journal of the American Medical Association found that the risk of unintentional shooting or suicide by minors using a gun can be significantly reduced by adopting responsible gun safety measures. According to the study, when ammunition in the home is locked up, the risk of such injuries is reduced by 61 percent. Simply storing ammunition separately from the gun reduces such occurrences by more than 50 percent.

During the 108th Congress, I joined with 69 of my colleagues in voting for Senator BOXER's trigger lock amendment. Senator BOXER's amendment would have required that all handguns sold by a dealer come with a child safety device, such as a lock, a lock box, or technology built into the gun itself that would increase the security of the weapon while in storage. The underlying gun industry immunity bill to which this amendment was attached was later defeated in the Senate, but the need and support for this legislation is clear. In light of the bipartisan support for this trigger lock amendment during the last Congress, I am hopeful that the 109th Congress will take up and pass common sense trigger lock legislation.

While the problems of youth suicide and accidental shooting cannot be legislated away, trigger locks and other sensible gun safety measures can help limit children's access to firearms. It is clear that reducing our kids' access to guns can save lives. The time has come to support the efforts of States who have enacted common sense child access prevention laws and make responsible storage of firearms standard around the Nation.

HEALTH ACT

Mr. ENSIGN. Mr. President, last week, I reintroduced the HEALTH Act to address the national crisis our doctors, hospitals and those needing healthcare face today.

Every day, patients in Nevada and across America are losing access to healthcare services. Several states are losing medical professionals at an alarming rate, leaving thousands of patients without a healthcare provider to serve their needs.

Because of increasing medical liability insurance premiums, it is now common for obstetricians to no longer deliver babies, and for other specialists to no longer provide emergency calls or perform certain high-risk procedures.

Women's health in Nevada and elsewhere in the country is in serious jeopardy as new doctors turn away from specialties and as practicing doctors close their doors.

I have been told that one in seven fellows of the American Academy of Obstetricians and Gynecologists have stopped practicing obstetrics because of the high risk of liability claims.

When Ms. Jill Forte of Las Vegas, found out that she was pregnant with her second child, she called her doctor. The doctor told her that because of insurance costs, she could no longer deliver her baby. So Jill started calling around. She was told the same thing by five different doctors. She even considered going to California for care.

Fortunately, Ms. Forte was able to make a connection through a friend for a local doctor to take her case. She said:

> I was in total shock. I didn't know what was going on until it happened. Looking for a doctor, worried about finding a doctor when you're pregnant is a stress that is an unnecessary stress. It's a stress caused by frivolous and junk lawsuits. It doesn't make any sense to have a society that sues so often that expectant mothers are worried about finding a doctor.

Unfortunately, her story is becoming too commonplace.

Additionally, hundreds of emergency departments have closed in recent years. Emergency departments have shut down in Arizona, Florida, Mississippi, Pennsylvania, and Nevada, among others. During this same time, the number of visits to the Nation's emergency departments climbed more than 20 percent. While more Americans are seeking emergency medical care, emergency departments are losing critical staff and essential resources.

In my home State of Nevada, our only Level I trauma care center closed for 10 days in 2002, leaving every patient within 10,000 square miles unserved by a trauma unit. In fact, Ms. Mary Rasor's father died in Las Vegas last year when he could not obtain access to emergency trauma care because of the closure.

Doctors are also limiting their scope of services. More than 35 percent of neurosurgeons have altered their emergency or trauma call coverage because of the medical liability crisis. As a result, many hospitals, including Level II trauma centers, no longer have neurosurgical coverage 24 hours a day, 7 days a week. Consequently, patients with head injuries or in need of neurosurgical services must be transferred to other facilities, delaying much-needed care.

An example of this problem was recently brought to my attention by Dr. Tony Alamo of Henderson, Nevada. During his tenure as chief of staff at Sunrise Hospital, Dr. Alamo was presented with a teenager suffering from a Myasthenia Gravis crisis in need of immediate medical treatment. This condition involves shortness of breath due to muscle weakness. Such shortness of breath can become severe enough to require hospitalization for breathing support, as well as treatment for the underlying infection. If the problem is not identified and treated correctly, it could lead to death.

Dr. Alamo told me that because of the medical liability situation, there was no emergency room neurologist on call to assist this young woman. Many neurologists are afraid to become involved in difficult cases like this because of the high risks of medical liability. Consequently, Dr. Alamo had the young woman transported to California by helicopter to receive the care she needed. Because of the reasonable laws in California, neurologists aren't afraid to take call.

The bottom line is that patients cannot get the healthcare they need when they need it most. By definition, this is a medical crisis. The crisis boils down to two factors: affordability and availability of medical liability insurance for providers.

With regard to affordability, the Medical Liability Monitor found that in 2004, obstetricians in Dade County,

FL, were paying as much as $277,241 in annual medical liability insurance premiums. Similarly, in Illinois, some obstetricians were paying more than $230,000 a year. In my home state of Nevada, some OB/GYNs were paying approximately $133,904 for medical liability insurance, an increase of 15 percent from 2003.

Faced with increasing medical liability insurance premiums, some physicians are no longer accepting discounted rates for the services they provide. A legislative assistant in my office recently received a letter from her OB/GYN, which I would like to submit for the CONGRESSIONAL RECORD. The letter indicates that her physician's medical liability insurance premium for 2005 increased by over 50 percent to more than $250,000. Instead of closing the practice or choosing to stop delivering babies, the physician has decided to no longer accept discounted insurance reimbursements.

I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. ENSIGN. We cannot afford to bury our heads in the sand and avoid this issue. Medical liability insurance premiums are affecting real people in need of timely and efficient healthcare services.

On the issue of availability, thousands of doctors nationwide have been left with no liability insurance as major insurers are either leaving the market or raising rates to astronomical levels. Why are insurers raising rates and leaving the market? Because there is no stability in the marketplace for providing medical liability insurance. Why is there no stability in the marketplace? Because our healthcare system is being overrun by frivolous lawsuits and outrageous jury awards.

This excessive litigation is leading to higher healthcare costs for every American and provides little piece of mind for our healthcare providers. Even medical students are affected by the current crisis. According to a recent American Medical Association survey, the current medical liability environment is a significant factor for students selecting a specialty.

And, because the litigation system does not accurately judge whether an error was committed in the course of medical care, physicians are adjusting their behavior to avoid being sued. Many physicians are using defensive medicine practices to avoid lawsuits. They are providing patients with tests and treatments that they would not otherwise perform to protect themselves against the risk of possible litigation.

Every unnecessary test and additional treatment poses a risk to the patient, and takes away funds that could be used to provide healthcare to those who need it most. A 2002 study by the Department of Health and Human Services found that defensive medicine is costing the Federal Government an estimated $28 billion to $47 billion per year in unnecessary health care costs.

In addition to the Federal Government, who else is paying for these unnecessary costs? Every American with health insurance is paying for these unnecessary expenses in the form of higher out-of-pocket payments and premiums.

Too often, medical costs are so great that employers have to stop offering health insurance coverage altogether, therefore increasing the number of uninsured in America. And who is paying for the uninsured to obtain health care services? We all are. And the cycle goes on and on. This cycle has to be stopped and we can do that by passing national medical liability reform right now.

Comprehensive medical liability reform is essential on a national level because the existing medical crisis is not confined within State lines and because every American should have access to affordable high quality healthcare. Likewise, every responsible member of the healthcare community should not be afraid to provide high quality care because of the fear of litigation.

In order to achieve these critical reforms, I am reintroducing the HEALTH Act. This legislation includes several reform provisions, including a $250,000 cap on noneconomic damages, joint liability and collateral source improvements, and limits on attorney fees according to a sliding award scale.

In addition, my legislation includes an expert witness provision to ensure that relevant medical experts serve as trial witnesses instead of so-called ''professional witnesses'' who are used to further abuse the system.

This legislation is modeled after California's successful Medical Injury Compensation Reform Act, also known as MICRA. MICRA has brought about real reform to California's liability system. The number of dubious and frivolous lawsuits going to trial has declined dramatically.

Injured patients receive a larger share of their awards and disciplinary actions against incompetent healthcare providers have increased. The bottom line is that California's medical liability system works. These types of outcomes should be shared by every state, and ultimately every patient in America.

It is important to recognize that neither MICRA, nor my legislation limits the amount of economic damages that an injured patient can recover. Like every other profession, mistakes are sometimes made by healthcare providers. Patients who suffer from these mistakes should have access to unlimited economic compensation and should be able to recover losses, such as loss of past and future earnings.

Injured patients should also have access to punitive damages where providers are found to be grossly negligent. But, there is no way to quantify a patient's ''pain and suffering,'' and most often, no dollar amount is ever enough. Therefore, placing a reasonable limit on these non-economic damages helps bring accountability back to our civil justice system by weeding out frivolous lawsuits. This would allow physicians to concentrate fully on providing superior health care services, and help curb the skyrocketing costs of healthcare for patients.

Every step Congress can take to help increase patient safety and maintain access to quality health care services should be taken, and we are on track to do that this year.

Medical liability reform is not a Republican or Democrat issue or even a doctor verses lawyer issue. It is a patient issue. With the medical crisis occurring in Florida, Illinois, Pennsylvania, Nevada, and many more states around the Nation, our opportunity to enact true reform is here. Comprehensive medical liability reform is the right prescription and the time for action is now.

Let's make sure that expectant mothers have access to ob-gyns and that trauma care victims have access to necessary services in their most critical hour of need. And, let's make sure we continue to provide patients in America with the opportunity to receive affordable, accessible, and high quality healthcare for years to come.

EXHIBIT 1

WOMEN OB/GYN PHYSICIANS,
Washington, DC, December 1, 2004.

TO OUR PATIENTS: We have all been reading and talking about the crisis in our health care system. As your doctors, our most important commitment and mission is to provide you with the highest quality medical care. We are writing to tell you how the current situation is affecting our ability to practice medicine at the level you deserve and expect.

Doctors in our area are being squeezed between decreased reimbursement from insurance carriers and steeply rising malpractice premiums. We were just notified that our malpractice premium for next year was increased by over 50 percent to more than $275,000.

Faced with this increase we had to consider some difficult choices. We could close our practice. We could stop delivering babies—something we both love and at which we excel. We could markedly increase the number of patients we see each day and reduce the time we spend with each patient. This would mean insufficient time for discussion, education and thoughtful consideration of your individual needs. We rejected all of these options. Instead we chose to stop accepting extremely discounted rates for the services that we provide.

Effective March 1, 2005 we will no longer participate with CareFirst BlueCross BlueShield. Therefore, we will not accept any discounted insurance reimbursements. Of course, We hope to continue to see our Blue Cross Blue Shield patients, but payment is expected at the time of service. We

will then prepare a claim form that you can submit to your insurance carrier to streamline your reimbursement. As a courtesy, we will continue to submit claims for deliveries and surgeries to the insurance carriers on your behalf.

We are committed to provide state-of-the-art women's health services in a caring, efficient, and professional manner. We look forward to our continued relationship. If there is any way we can help you with this transition, please let us know.

Sincerely,

NANCY SANDERS, MD.
JANET SCHAFFEL, MD.

PROMISE AND PERILS OF DEMOCRACY

Mr. DODD. Mr. President, I rise today to say a few words about a very important speech that was presented, on January 25, to the Organization of American States, OAS, by former President Jimmy Carter.

Broadly speaking, former President Carter's speech was about the promise and perils of democracy in our hemisphere. In my view, no topic could be more relevant.

Our hemisphere has come a long way over the past 30 years—in no small part due to the efforts of Jimmy Carter. From the beginning, he realized the importance of the OAS in our hemisphere, and he demonstrated this understanding by addressing every OAS General Assembly meeting held in Washington during his presidency.

He spearheaded the promotion of human rights, and his tireless work contributed to the establishment of the Inter-American Convention on Human Rights. That important document has encouraged greater civilian participation and helped facilitate the transition in many countries from rule by military dictator to that of democratically elected government.

Simply put, Jimmy Carter's efforts sent a clear message throughout the hemisphere that the U.S. not only valued democracy but was committed to ensuring that people of all backgrounds had a stake in emerging democracies in their countries. Indeed, the InterAmerican Democratic Charter, which enjoyed broad support, was signed on the fateful day of September 11, 2001, and stands in stark contrast to the illiberal forces at work in areas around the world.

The message of that document—that OAS member nations would stand together to protect democracy—and the wide support it enjoyed prove how much progress can be made when the U.S. invests time and effort in our hemisphere.

Together, we've made tremendous progress over these past 30 years. However, our work in the hemisphere is far from over. We must continue to end impunity, protect emerging democratic institutions, and strengthen the Inter-American Democratic Charter.

Former President Carter continues to work toward these noble ends, and others, for the good of the U.S. and for the good of people from Canada to Argentina and across the world. I congratulate him on his efforts, on the magnificent work of the Carter Center, and on the vision he layed out in his January 25 statement before the OAS. I ask unanimous consent that his statement be printed in the RECORD.

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

THE PROMISE AND PERIL OF DEMOCARCY

(By Jimmy Carter)

I am honored to address the permanent council of the Organization of American States. Thank you, Mr. Secretary General, Mr. President, and Ambassador Borrea for the kind invitation to inaugurate this lecture series of the Americas.

I have long been interested in this organization. Thirty years ago, as Governor of Georgia, I invited the OAS General Assembly to meet in Atlanta—the first meeting in the U.S. outside of Washington. Later, as President, I attended and addressed every General Assembly in Washington.

Back then, I realized that most of this hemisphere was ruled by military regimes or personal dictatorships. Senate hearings had just confirmed U.S. involvement in destabilizing the government of Salvador Allende in Chile, and a dirty war was being conducted in Argentina. I decided to stop embracing dictators and to make the protection of human rights a cornerstone of U.S. foreign policy, not only in this hemisphere, but with all nations.

When we signed the Panama Canal Treaties in this same August hall in 1977, many nonelected or military leaders were on the dais. Key Caribbean States were absent, not yet part of the inter-american system. Then in 1979, Ecuador started a pattern of returning governments to civilian rule. The Inter-American Convention on Human Rights soon came into force, and our hemisphere developed one of the strongest human rights standards in the world.

These commitments have brought tremendous progress to Latin America and the Caribbean. Citizens have become involved in every aspect of governance: More women are running for political office and being appointed to high positions; indigenous groups are forming social movements and political parties; civic organizations are demanding transparency and accountability from their governments; freedom of expression is flourishing in an independent and vibrant press; ombudsmen and human rights defenders are active; and many countries are approving and implementing legislation to guarantee that citizens have access to information.

The English-speaking Caribbean has sustained vibrant democracies. a democratic Chile is removing military prerogatives from the Pinochet-era constitution and the military has acknowledged its institutional responsibility for the torture and disappearances of the 1970s. Central America has ended its civil wars and democracy has survived. The Guatemalan government offered public apology for the murder of Myrna Mack, and a Salvadoran responsible for the assassination of Archbishop Romero was tried and convicted last year, although in absentia.

Venezuelans have avoided civil violence while enduring a deep political rift in the last three years. Mexico developed an electoral institution that has become the envy of the world. Argentine democracy weathered the deepest financial crisis since the 1920s depression and its economy is on the rebound.

Four years ago, Canada and Peru took the lead in developing a new, more explicit commitment to democracy for the hemisphere. On the tragic day of September 11, 2001, the Inter-American Democratic Charter was signed.

I am proud to have witnessed these demonstrations of the courage, persistence and creativity of the people of this hemisphere.

But I am also worried. I am concerned that the lofty ideas espoused in the Democratic Charter are not all being honored. I am concerned that poverty and inequality continue unabated. And I am concerned that we in this room, representing governments and, in some cases, privileged societies, are not demonstrating the political will to shore up our fragile democracies, protect and defend our human rights system, and tackle the problems of desperation and destitution.

Since our years in the White House, my wife Rosalynn and I have striven to promote peace, freedom, health, and human rights, especially in this hemisphere and in Africa. Our dedicated staff at the Carter Center have worked in 54 elections to ensure they are honest and competitive. Civil strife has become rare, and every country but Cuba has had at least one truly competitive national election.

Yet, tiny Guyana, where we have been involved for more than a decade, remains wracked with racial tension and political stalemate. Haiti, where we monitored the first free election in its history and where the world contributed many tens of millions of dollars in aid, has been unable to escape the tragedy of violence and extreme poverty. In Nicaragua, I was privileged to witness the statesmanship of Daniel Ortega transferring power to Violeta Chamorro; yet today that country continues enmeshed in political deadlock and poverty that is second only to Haiti.

Across the hemisphere, UNDP and Latin barometer polls reveal that many citizens are dissatisfied with the performance of their elected governments. They still believe in the promise and the principles of democracy, but they do not believe their governments have delivered the promised improvements in living standards, freedom from corruption, and equal access to justice. We run the very real risk that dissatisfaction with the performance of elected governments will transform into disillusionment with democracy itself.

How can we protect the advances made and avoid the dangerous conclusion that democracy may not be worthwhile after all?

The greatest challenge of our time is the growing gap between the rich and poor, both within countries and between the rich north and the poor south. About 45 percent (225 million) people of Latin America and the Caribbean live under the poverty line. The mathematical coefficient that measures income inequality reveals that Latin America has the most unequal income distribution in the world, and the income gap has continued to increase in the past fifteen years.

When people live in grinding poverty, see no hope for improvement for their children, and are not receiving the rights and benefits of citizenship, they will eventually make their grievances known, and it may be in radical and destructive ways. Governments and the privileged in each country must make the decision and demonstrate the will to include all citizens in the benefits of society.

Democratic elections have improved, but we have also witnessed a dangerous pattern of ruling parties naming election authorities that are partisan and biased, governments misusing state resources for campaigns, and election results that are not trusted by the populace. I include my own country in saying that we all need to create fair election procedures, to regulate campaign finance, and to ensure that every eligible citizen is properly registered and has the opportunity to cast votes that will be counted honestly.

But democracy is much more than elections. It is accountable governments; it is the end of impunity for the powerful. It is giving judiciaries independence from political pressures so they can dispense justice with impartiality. It is protecting the rights of minorities, including those who do not vote for the majority party. It is protecting the vulnerable—such as those afflicted with HIV/AIDS, street children, those with mental illnesses, women abused with domestic violence, migrants, and indigenous peoples.

Governments of this hemisphere have carried out enormous economic reform efforts in the last two decades, but these efforts have not yet brought the needed reduction in poverty and inequality. Too many governments still rely on regressive sales taxes because the privileged classes can manipulate governments and avoid paying taxes on their incomes or wealth.

Military spending has been significantly reduced, but additional reductions are advisable now that the region is democratic and most border issues have been resolved.

Health and education are more important than expensive weapons systems.

Access to land, small loans, and easier permits for small businesses can harness the potential dynamism of each nation's economy. Brazil has initiated a zero hunger program to address poverty, and Venezuela is using oil wealth to bring adult education, literacy, health and dental services directly to the poor. These and other creative social programs should be studied to see which might be appropriate in other areas.

When political leaders do make the right choices to address the needs of all citizens, those citizens have a responsibility as well—to comply with the established rules of the political process. Political honeymoons are short, and sometimes a frustrated people are tempted to unseat an unsatisfactory government, by violence or unconstitutional means. Elected leaders deserve a chance to make the tough decisions, or to be removed at ballot boxes.

News media play an especially important role in a free society. Press freedom is vibrant in the hemisphere, and must be kept that way. ''Insult'' (desacato) laws and harassment of journalists should be eliminated. The media also have a responsibility to investigate carefully and to corroborate their stories before publication.

Those of us in the richer nations have additional obligations. We must recognize that we live in an ever-closer hemisphere, with mutual responsibilities. Trade and tourism of the U.S. and Canada are increasingly connected with all of Latin America and the Caribbean, as the sub-regions of the hemisphere are forging closer economic ties.

We are also connected by the scourge of crime, which is a two-way street. Drug demand in the U.S. fuels drug production among our neighbors, undermining the ability of democratic institutions to enforce the rule of law, and the easy availability of small arms from the U.S. has made crime a serious problem for governments in the Caribbean and Central America.

Globally, Americans give just 15 cents per $100 of national income in official development assistance. As a share of our economy, we rank dead last among industrialized countries. The recently announced millennium challenge account is designed to provide additional help for governments pursuing transparency and accountability, but in this hemisphere only Bolivia, Honduras and Nicaragua are being considered for this aid.

The United States has another role to play as well: of setting an example of protecting civil liberties and improving democratic practices at home, and by its unwavering support of democracy and human rights abroad.

The international lending agencies also have important roles to play: by being more flexible and responsive to political pressures and social constraints when deciding conditionality; by involving local citizens and governments in developing consensus for poverty-reduction strategies; and by helping the hemisphere carry out the mandates adopted by Presidents at the periodic Summits of the Americas.

Finally, I call on all governments of the hemisphere to make the democratic charter more than empty pieces of paper, to make it a living document. The charter commits us to help one another when our democratic institutions are threatened. The charter can be a punitive instrument, providing for sanctions when a serious challenge to the democratic order occurs, but it is also an instrument for providing technical assistance and moral encouragement to prevent democratic erosion early in the game.

Let us strengthen the charter and not be afraid to use it. Right now the charter is weak because it is vague in defining conditions that would constitute a violation of the charter—the ''unconstitutional alteration or interruption'' of the democratic order noted in article 19. The charter also requires the consent of the affected government even to evaluate a threat to democracy. If the government itself is threatening the minimum conditions of democracy, the hemisphere is not prepared to act, since there would certainly not be an invitation.

Two simple actions would help to remedy this problem and allow the governments of this hemisphere to act when needed. First, a clear definition of ''unconstitutional alteration or interruption'' would help guide us. These conditions should include:

1. Violation of the integrity of central institutions, including constitutional checks and balances providing for the separation of powers.

2. Holding of elections that do not meet minimal international standards.

3. Failure to hold periodic elections or to respect electoral outcomes.

4. Systematic violation of basic freedoms, including freedom of expression, freedom of association, or respect for minority rights.

5. Unconstitutional termination of the tenure in office of any legally elected official.

6. Arbitrary or illegal, removal or interference in the appointment or deliberations of members of the judiciary or electoral bodies.

7. Interference by non-elected officials, such as military officers, in the jurisdiction of elected officials.

8. Systematic use of public office to silence, harass, or disrupt the normal and legal activities of members of the political opposition, the press, or civil society.

We also need a set of graduated, automatic responses to help us overcome the inertia and paralysis of political will that result from uncertain standards and the need to reach a consensus de novo on each alleged violation. When a democratic threat is identified, the alleged offenders would be requested to explain their actions before the permanent council. A full evaluation would follow, and possible responses could be chosen from a prescribed menu of appropriate options, involving not only the OAS, but incentives and disincentives from multilateral institutions and the private sector.

There is also a role for nongovernmental leaders. We at the Carter Center have convened a group of former hemispheric leaders to aid in raising the visibility of the charter, to engage the OAS, and to help it provide appropriate responses when democracy is challenged.

Let me close by congratulating the OAS, which has come a long way from my first association with it 30 years ago. As a promoter of freedom, democracy, and human rights, the OAS is one of the foremost regional organizations in the world. This hemisphere adopted the world's first anti-corruption convention and has developed a multilateral evaluation mechanism on drugs. The OAS has worked on de-mining, peacemaking, and providing scholarships to students. It exemplifies the notion that our best hope for the world is for sovereign states to work together.

The OAS is going through a difficult transition at the moment, but it will emerge even stronger. A new Secretary-General will be chosen this year, and important discussions will be forthcoming at the general assembly in Florida and the fourth Summit of the Americas in Argentina.

We need each other. Let us work together to make our hemisphere the beacon of hope, human dignity, and cooperation for the 21st century.

DVT AWARENESS RESOLUTION

Mr. DORGAN. Mr. President, I am pleased to have joined with my colleague Senator ARLEN SPECTER in submitting a resolution yesterday, S. Res. 56, that would designate March as ''Deep-Vein Thrombosis Awareness Month.''

Many Americans are probably unfamiliar with deep-vein thrombosis, DVT, but it is a serious medical condition that occurs in approximately 2 million Americans each year. Given that it is both a common and preventable condition, it is important that more of us know about this disease so we can take steps to stop it.

Americans might be more commonly familiar with deep-vein thrombosis as the condition that can result from sitting in a small space, such as an airline seat, for a long period of time. In fact, this condition is sometimes called ''economy-class syndrome,'' and many airlines now encourage their passengers to get up and move around or otherwise exercise their extremities during cross-country or international flights in order to prevent it.

DVT occurs when a blood clot forms in one of the large veins, usually in the legs, leading to either partially or completely blocked circulation. Too often, this blood clot breaks loose from the

wall of the vein and moves to the lungs, where it is called a pulmonary embolism and can cause sudden death.

Deep-vein thrombosis can happen to virtually anyone at any time. In fact, one of our Nation's finest journalists, NBC News correspondent David Bloom, died from a pulmonary embolism caused by DVT in April, 2003, while covering the war in Iraq at the early age of 39. But while David Bloom is one of the more well-known victims of DVT, he is not alone. Up to 200,000 die each year from pulmonary embolisms caused by DVT.

The resolution that Senator SPECTER and I submitted yesterday in honor of the memory of David Bloom is an important first step towards educating Americans about this potentially deadly condition. The resolution is supported by the Coalition to Prevent Deep-Vein Thrombosis, which is made up of more than 30 health and medical groups. In addition, David Bloom's beloved wife Melanie has become an outspoken advocate for raising awareness about DVT.

I look forward to working with Senator SPECTER, Melanie Bloom, the Coalition to Prevent Deep-Vein Thrombosis, and others to help make more Americans aware of this disease.

HONORING THE TUSKEGEE AIRMEN

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor legislation to authorize the awarding of the Congressional Gold Medal to the Tuskegee Airmen. The Tuskegee Airmen overcame enormous obstacles, including blatant discrimination and racism, to become the first black airmen. Their success paved the way for reform and, ultimately, integration of the United States' Armed Services.

These men stepped forward to defend our Nation against the horrors of Nazi Germany, while continuing to battle racist treatment by their own countrymen. They fought through this unjust treatment because their sense of duty to their country was greater than the obstacles in their path. The recognition of their persistence, courage and allegiance is long overdue.

Of the 1,000 Tuskegee Airmen, 450 served in combat, 66 died in combat, and another 33 were shot down and captured as prisoners of war. The pilots were credited with destroying 261 aircraft, damaging 148 aircraft, and flying 15,553 combat sorties and 1,578 missions over Italy and North Africa. They destroyed or damaged over 950 units of ground transportation and escorted more than 200 bombing missions.

As a result of their heroic actions, members of the Tuskegee Airmen have been awarded three Presidential Unit Citations and 150 Distinguished Flying Crosses and Legions of Merit, in addition to The Red Star of Yugoslavia, 9 Purple Hearts, 14 Bronze Stars and more than 700 air medals and clusters.

I am proud to say that 16 of these airmen were from the State of West Virginia. Several attended West Virginia State University, a university which has graduated more military generals than any other non-military college in the Nation. The 16 West Virginians are listed below.

Alston, William R.
Carter, John
Eagleson, Wilson V.
Gamble, Howard C.
Gray, George E.
Hill, William L.
Johnson, Langdon E.
Jones, Hubert L.
Killard, James M., Jr.
Kydd, George H., III
Prewitt, Mexion O.
Roberts, George S.,
Robinson, Robert L., Jr.
Thompson, Floyd A.
Watkins, Edward Wilson
Whitehead, John L., Jr.

The Tuskegee Airmen have proven their valor and dedication to our country, and they have earned the Congressional Medal of Honor. It is time that they receive this honor.

THE ROLE OF CONGRESS IN SUPPORTING AMERICAN COMPANIES AND WORKERS

Mr. FEINGOLD. Mr. President, I have come to this floor repeatedly to talk about the ongoing crisis in our domestic manufacturing sector and about ways in which Congress should act to stem the loss of manufacturing jobs and the shuttering of domestic manufacturing companies.

My State of Wisconsin has lost nearly 80,000 good-paying manufacturing jobs since 2000. The country has lost more than 2½ million manufacturing jobs since January 2001, including more than 25,000 jobs last month alone. And this hemorrhaging of jobs shows no signs of stopping.

Much of this job loss can be blamed on the dismal trade policies of recent years, which have contributed to many American companies—some of them household names—moving their operations overseas or shutting their doors entirely. These policies have a ripple effect in the communities that have lost manufacturing plants. The closure of the local plant is felt not only by those who worked there and their families, but by the community as a whole.

Mr. President, Florence, WI is a town in the far northeastern corner of my home State, just a few miles from the border with the Upper Peninsula of Michigan. A few weeks ago, that small community got a sharp introduction to the realities of our country's trade policies. Pride Manufacturing, the world's largest maker of golf tees, announced that it would be closing down its plant in Florence and moving that operation and the hundred or so jobs that go with it to China.

That announcement probably was not noticed by many people outside of my home State—one company in one small community in Wisconsin leaving for China does not raise many eyebrows in Washington or on Wall Street. But it is a serious matter for the families whose livelihood is directly affected by the move. And it will certainly have an impact on the community in which they live. Some families may try to stay, but some may be forced to look elsewhere for jobs. The local school district is already trying to cope with declining enrollment and the challenges of being a largely rural district. The prospect of losing additional families will only make matters worse. Local businesses that relied on the patronage of those families will be hit. Car dealers, grocery stores, hardware stores, clothing stores—everyone in that community will potentially be affected by the loss of Pride Manufacturing.

There are too many stories like this taking place around my State and around our country. There are too many boarded-up factories and too many parents struggling to make ends meet and to provide for their children after the plant closes and the jobs go to other countries. Congress can and should do more to support these hard-working Americans and their employers. These are the people who are bearing the brunt of the bad trade agreements and other policies that have encouraged companies to close or to leave the United States.

In response to this crisis, this week I am introducing a series of bills intended to support American companies and American workers. These measures alone will not solve this problem, but I believe that they represent a first step in helping to save a core sector of our economy.

My first proposal would set some minimum standards for future trade agreements into which our country enters. It is a break with the so-called NAFTA model and instead advocates the kinds of sound trade policies that will spur economic growth and sustainable development. The major trade agreements into which our country has entered in recent years have resulted in a race to the bottom in labor standards, environmental standards, health and safety standards, in nearly every aspect of our economy. A race to the bottom is a race in which even the winners lose. We should ensure that future trade agreements do not continue down this perilous road.

The principles set forth in this resolution are straightforward and achievable. These principles include: calling for enforceable worker protections, preserving the ability of the United States to enact and enforce its own trade laws, ensuring that foreign investors are not provided with greater

rights than those provided under U.S. law, providing that food entering into our country meets domestic food safety standards, and preserving the ability of Federal, State, and local governments to maintain essential public services and to regulate private sector services in the public interest.

Mr. President, my second bill, the Buy American Improvement Act, focuses on the Federal Government's responsibility to support domestic manufacturers and workers. The Buy American Act of 1933 is supposed to ensure that the Federal Government supports domestic companies and workers by buying American-made goods. This is an important law, but it contains a number of loopholes that make it too easy for Government agencies to buy foreign-made goods.

The Buy American Improvement Act would make it harder to waive the Buy American Act. We should ensure that the Federal Government makes every effort to give Federal contracts to companies that will perform the work domestically. We should also ensure that certain types of industries do not leave the United States completely, thus making the Federal Government dependent on foreign sources for goods, such as plane or ship parts, that our military may need to acquire on short notice.

My bill would also, for the first time, make the Buy American requirement applicable to Congress. I believe that Congress should lead by example and comply with the Buy American Act. And, in an effort to bring transparency and accountability to the process, it would require agencies to report on their purchases of foreign-made goods.

It is bad enough that our trade policies have encouraged companies to shut down or relocate overseas. Many of the same flawed trade agreements that have sent American jobs overseas have also weakened the Buy American Act.

Last year, the ranking member of the Homeland Security and Governmental Affairs Committee, Mr. LIEBERMAN and I asked the GAO to study the effect of trade agreements on domestic source requirements such as those contained in the Buy American Act. That study, which was released this week, found that the Government is required to give favorable treatment to certain goods from a total of 45 countries as a result of 7 trade agreements and 21 reciprocal defense procurement agreements.

In other words, at the same time that Congress has been paying lip service to the Buy American Act, it has been carving out exceptions to that Act in our trade and defense procurement agreements. It is time for Congress to step up and support efforts to strengthen, not undermine, the Buy American Act.

In addition, Congress must make every effort to help workers who have lost their jobs as a result of our trade policies. Many of these workers require retraining for new jobs that will enable them to support their families.

My third bill, the Community-Based Health Care Retraining Act, would authorize a demonstration project to provide grants to community-based coalitions, led by local workforce development boards, to retrain unemployed workers who wish to obtain new jobs in the health care professions. The funds could be used for a variety of purposes—from increasing the capacity of our schools and training facilities, to providing financial and social support for workers who are in retraining programs. This bill allows for flexibility in the use of grant funds, because I believe that communities know best about the resources they need to run an efficient program.

By providing targeted assistance to train laid-off workers who wish to obtain new jobs in the fast-growing health care sector, we can both help unemployed Americans and improve the availability and quality of health care in our communities.

I hope that my colleagues will support each of my proposals, and I look forward to working with Senators on both sides of the aisle to find additional ways to support our domestic manufacturers and their employees. I know that there are towns like Florence, WI, all over the country, and I hope that we will finally act this Congress to support the jobs that are the bedrock of those communities.

ANTITRUST INVESTIGATIVE IMPROVEMENTS ACT OF 2005

Mr. KOHL. Mr. President, I rise today in support of the Antitrust Investigative Improvements Act of 2005, a bill I am cosponsoring with Senators DEWINE AND LEAHY. This bill will give the antitrust criminal enforcers at the Department of Justice a vital tool to investigate, detect, and prevent antitrust conspiracies. It will allow the Justice Department, upon a showing of probable cause to a Federal judge, authority to obtain a wiretap order for a limited time period to monitor communications between those suspected of engaging in illegal antitrust conspiracies.

The current Federal criminal code lists over 150 predicate offenses for which the Justice Department may obtain a wiretap during the course of a criminal investigation. These offenses include such basic white collar crimes such as mail fraud, wire fraud, and bank fraud. However, under current law, if the Government is investigating a criminal antitrust conspiracy such as a scheme to fix prices to consumers, the Government cannot obtain a wiretap of the suspected conspirators. This inability to obtain wiretaps unquestionably severely handicaps the detection and prevention of such conspiracies. Only with the consent of a member of the conspiracy who has already agreed to cooperate with the Government may the Government surreptiously record the meetings of the conspirators.

There is no logical basis to exclude criminal antitrust violations from the list of predicate offenses for a wiretap. A criminal antitrust offense such as price fixing is every bit as serious—and causes every bit as much financial loss to its victims—as other white collar crimes such as mail fraud or wire fraud. A price-fixing conspiracy raises prices to consumers, stealing hard-earned dollars from citizens as surely as does as a salesman promoting a bogus investment from a ''boiler room'' or, indeed, a thief with a gun. Moreover, by its secret nature as an agreement among competitors, such a conspiracy is likely harder to detect than a fraudulent offering over the phone or through the mail. A properly issued wiretap, therefore, is even more necessary to detect criminal antitrust conspiracies than other white collar offenses.

Detecting, preventing, and punishing criminal antitrust offenses are one of the principal missions of the Justice Department's Antitrust Division. Such offenses are punished severely with corporations facing fines of up to $100 million and individuals subject to jail terms of up to 10 years for each offense. Indeed, last year we passed legislation raising criminal penalties to these new levels. Yet despite the damage these conspiracies do to the economy and individual consumers, our law enforcement agencies lack the one vital tool essential to uncover these secret conspiracies—the ability to obtain a wiretap to monitor communications between the suspected conspirators upon a showing of probable cause. This legislation will remedy this defect by granting to our law enforcement officials this necessary means to protect consumers and end illegal antitrust conspiracies.

I urge my colleagues to join with me in supporting this legislation.

ADDITIONAL STATEMENTS

RETIREMENT OF ARNOLD SCHOFIELD

• Mr. BROWNBACK. Mr. President, I acknowledge the retirement of Arnold Schofield who is completing 25 years of service as site historian at Fort Scott National Historic Site, Fort Scott, KS.

Completing a 43-year career in Federal service, he remains passionate about American cultural and military history. Arnold is highly respected for his extraordinary knowledge and his ability to bring history to life. Those fortunate to have heard his presentations throughout Kansas and the

Midwest were left with a greater appreciation of the area's rich past and a desire to learn even more. For decades, Arnold was a familiar figure in Fort Scott's countless tourism efforts and became one of the region's most recognizable and appreciated figures.

While the loss at Fort Scott National Historic Site will be significant, Arnold will continue his public service near Pleasanton, KS, as site administrator at Mine Creek Battlefield State Historic Site. He looks forward to the challenge of preserving, protecting and interpreting the site of the largest Civil War battle in Kansas and one of the largest cavalry engagements of the Civil War.

He will take with him rich memories of his earlier service at Harpers Ferry National Historic Park and the Blue Ridge Parkway in Virginia and North Carolina.

I welcome this opportunity to thank and congratulate Mr. Schofield on his retirement from over four decades of Federal service and extend to him our best wishes in his new position at Mine Creek Battlefield.●

HONORING THE ACCOMPLISHMENTS OF LEXINGTON CATHOLIC GIRLS' BASKETBALL TEAM

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Lexington Catholic Girl's Basketball Team, the Lady Knights, who were recently ranked No. 3 in ihigh.com's national ratings, and No. 5 in USA Today's Super 25. The Lady Knights are currently undefeated within their region and will go on to next month to compete within the State for the State championship title. Their recent performance has given Kentucky reason to be proud.

Led by coach Greg Todd, the Ladies Knights are currently ranked No. 1 within their region with a record of 22 to 1. In doing so they have beaten the four highest-ranked regional teams in the Louisville Courier-Journal newspaper's Litkenhous Ratings by a combined 70 points.

I cannot think of a much better group of young people to represent Kentucky. As a former Major League Baseball player, I appreciate their athletic excellence. As a U.S. Senator from Kentucky, I appreciate the dignity with which they played.

I am proud to read the names of these teammates into the CONGRESSIONAL RECORD today. They are Adaeze Azubuike, Anaris Sickles, Briana Green, Keyla Snowden, Katie Scordo, Rebecca Rhule, Lauren Ramsey, Nikki Davis, Ktie Frueh, Chelsey Johnson, Kellie Cash, Natalie Novosel, Ashley Devers, Lesley Server, Elizabeth Elam, Shannon Novosel, and Katie Kissner.

The citizens of Kentucky should be proud of these young ladies. Their example of dedication and hard work should be an inspiration to the entire State. I wish them continued success both on and off the basketball court.●

10TH ANNIVERSARY OF THE NASA/NORFOLK STATE UNIVERSITY PRE-SERVICE CONFERENCE

● Mr. ALLEN. Mr. President, I would like to recognize the outstanding growth and service of the NASA Langley Pre-Service Teacher Program. This year's national conference, which is being held this week from February 17 through 19, 2005, will mark the 10 year anniversary of this highly successful educational program.

The Pre-Service Teacher Program is a project run through the cooperation of NASA's Langley Office of Education and Norfolk State University's School of Science & Technology. Its mission is to provide Pre-Service teachers and faculty members opportunities to enhance their knowledge and skill in teaching mathematics and science using technology at the elementary and middle school levels.

Since its humble beginnings as a small regional conference held in Hampton, VA, in 1995, the Pre-Service Teacher Program has grown into a large national conference annually held in Alexandria, VA. The program began with only 25 member institutions representing 10 States and now boasts membership of over 104 institutions representing 31 States. It is important to recognize that of the 104 member institutions, there are representatives from Hispanic Serving Institutions, Tribal Colleges and Universities, and Historically Black Colleges and Universities.

The Pre-Service Teacher Program's continued growth led to the addition of a Pre-Service Teacher Institute in 1998. This 2-week long immersion program allows more pre-service teachers the opportunity to interface with NASA personnel, tour Langley's facilities, and learn ways to incorporate NASA's cutting-edge research into lesson plans for elementary and middle school students. As the success of this program has grown, the Pre-Service Teacher Program expanded in 2000 to seven sites beyond Hampton, VA, and, with time, I am sure it will continue to grow.

I congratulate the Pre-Service Teacher Program's tremendous growth and impact on Virginia classrooms and schools across the Nation. They are to be commended for their hard work and attention to our Nation's future: our children. I wish them continued success, keep fighting and keep succeeding.●

CONGRATULATING HENRY HERZING

Mr. COLEMAN. Mr. President, I rise to extend my congratulations to Henry Herzing, founder and President of Herzing Colleges, for providing 40 years of progressive, career-focused education that has prepared a diverse student population to meet the needs of employers in technology, business, health care, design and public safety.

Since the first campus opened in Milwaukee, WI in 1965 as a computer programming school, Herzing College has grown to include six campuses in the U.S. along with other affiliated colleges, five of which are in Canada.

During these 40 years of expanding its campuses and diversifying its educational programs, Herzing College has also raised its level of credentials from diploma to associate of science, to most recently, Bachelor of Science degrees. In recent years, Herzing College has also brought its high-quality programs to the online environment to allow students in other locations to upgrade their career potential.

I congratulate Henry Herzing and all his faculty and staff for 40 years of ''student-centered'' education and urge him to continue to play an important role in the higher education community in the United States.

MESSAGES FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, 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 Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

ECONOMIC REPORT OF THE PRESIDENT DATED FEBRUARY 2005 WITH THE ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS FOR 2005—PM 6

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

To the Congress of the United States:

The United States is enjoying a robust economic expansion because of the good policies we have put in place and the strong efforts of America's workers and entrepreneurs. Four years ago, our economy was sliding into recession. The bursting of the high-tech bubble, revelations of corporate scandals, and terrorist attacks hurt our economy, leading to falling incomes and rising unemployment.

We acted by passing tax relief so American families could keep more of their own money. At the same time, we gave businesses incentives to invest and create jobs. Last year, we gained over 2 million new jobs, and the economy's production of goods and services rose by 4.4 percent. The unemployment rate is now 5.2 percent, which is lower than the average of each of the past three decades and the lowest since the attacks of September 11, 2001. Our pro-growth policies are taking us in the right direction.

As I start my second term, we must take action to keep our economy growing. I will not be satisfied until every American who wants to work can find a job. I have laid out a comprehensive strategy to sustain growth, create jobs, and confront the challenges of a changing America.

I am committed to restraining spending by eliminating government programs that do not work and by making government provide important services more efficiently. I have pledged to cut the deficit in half by 2009, and we are on track to do so.

The greatest fiscal challenges we face arise from the aging of our society. Because Americans are having fewer children and living longer, seniors are becoming a larger proportion of the population. This change has important implications for the Social Security system, because the benefits paid to retirees come from taxes on today's workers. In 1950, there were 16 workers paying into Social Security for every person receiving benefits. Now there are just over 3, and that number will fall to 2 by the time today's young workers retire. We will not change Social Security for those now retired or nearing retirement. We need to permanently fix the Social Security system for our children and grandchildren. I will work with the Congress to fix Social Security for generations to come.

The current tax code is a drag on the economy. It discourages saving and investment, and it requires individuals and businesses to spend billions of dollars and millions of hours each year to comply with the complicated system. I will lead a bipartisan effort to reform our tax code to make it simpler, fairer, and more pro-growth.

We are working to make health care more affordable and accessible for American families. The Medicare modernization bill I signed gives seniors more choices and helps them get the benefits of modern medicine and prescription drug coverage. We have created health savings accounts, which give workers and families more control over their health care decisions. We will open or expand more community health centers for those in need. To help control health costs and make health care more accessible, we must let small businesses pool risks across states so they can get the same discounts for health insurance that big companies get. We will increase the use of health information technology that will make health care more efficient, cur down on mistakes, and control costs.

Our litigation system encourages junk lawsuits and harms our economy, and the system must be reformed. I support medical liability reform to control the cost of health care, keep good medical professionals from being driven out of practice, and ensure that patient care—not avoidance of lawsuits—is the central concern in all medical decisions. I support class action reform to eliminate the waste, inefficiency, and unfairness of the class-action system. And I support reforms to the asbestos litigation system in order to protect victims with asbestos-related injuries and prevent frivolous lawsuits that harm our economy and cost jobs.

I will continue to push for energy legislation to help keep our economy strong. We must modernize our electricity system to make it more reliable. To make our energy supply more secure, we must explore for more energy in environmentally friendly ways in our own country, develop alternative sources of energy, and encourage conservation.

I will work to further simplify and streamline federal regulations that hinder growth and encumber our job creators. Our economy needs to allow entrepreneurs to spend more time doing business and less time with their lawyers and accountants.

I believe that Americans benefit from open markets and free and fair trade, and I am working to open up markets around the world and make sure that the playing field is level for our workers, farmers, manufacturers, and other job creators. In the past four years, we concluded free-trade agreements with Singapore, Chile, Australia, Morocco, Bahrain, Jordan, and six countries in Central America and the Caribbean. My Administration will continue to work to expand trade on a multilateral, regional, and bilateral basis, and to enforce our trade laws to help ensure a level playing field.

I have a plan to prepare our young people for the jobs of the 21st century. We have brought greater accountability to our public schools and are working to improve our high schools. We have made Pell grants available to one million more students, and we will work to make college more affordable by increasing the size of Pell grants for low-income students. We are reforming our workforce training programs to help Americans obtain the skills needed for the jobs that our economy is creating.

I have an ambitious agenda for the next four years. During my first term, working with the Congress, I put policies in place to ensure a rapid recovery and to support strong growth. In my second term, together we will cut the budget deficit in half, fix Social Security, reform the tax code, reduce the burden of junk lawsuits, ensure a reliable and affordable energy supply, continue to promote free and fair trade, help make health care affordable and accessible for American families, and expand the quality and availability of educational opportunities. These policies will produce an economic environment that continues to unleash the creativity and energy of the American people.

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 66. Concurrent resolution providing for the adjournment or recess of the two Houses.

At 1:59 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has passed the following bill, without amendment:

S. 5. An act 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.

ENROLLED BILL SIGNED

The message also announced that the Speaker of the House of Representatives has signed the following enrolled bill:

S. 5. An act 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 enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 4:33 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 67. Concurrent resolution honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military.

The message also announced that pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the commission on Security and Cooperation in Europe: Mr. SMITH

of New Jersey, Co-Chairman, Mr. WOLF of Virginia, Mr. PITTS of Pennsylvania, Mr. ADERHOLT of Alabama, and Mr. PENCE of Indiana.

The message further announced that pursuant to section 2 of the Civil Rights Commission Amendments Act of 1994 (42 U.S.C. 1975 note), the order of the House of January 4, 2005, and upon the recommendation of the Minority Leader, the Speaker appoints the following individual on the part of the House of Representatives to the Commission on Civil Rights to fill the remainder of the term expiring on May 3, 2005: Mr. Michael Yaki of San Francisco, California.

The message also announced that pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. CARDIN of Maryland, Mrs. SLAUGHTER of New York, Mr. HASTINGS of Florida, and Mr. MCINTYRE of North Carolina.

MEASURES REFERRED

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

H.R. 418. An act 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; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 6. Concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees; to the Committee on Armed Services.

H. Con. Res. 26. 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.

H. Con. Res. 30. Concurrent resolution supporting the goals and ideals of National Black HIV AIDS Awareness Day; to the Committee on Health, Education, Labor and Pensions.

H. Con. Res. 67. Concurrent resolution honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 397. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 403. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 310. An act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 17, 2005, she had presented to the President of the United States the following enrolled bill:

S. 5. An act 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.

MEASURES DISCHARGED

The following bills were discharged from the Committee on Armed Services by unanimous consent, and referred as indicated:

S. 69. A bill for the relief of Donald C. Pence; to the Committee on Veterans' Affairs.

S. 70. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or a clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

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–1010. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Procedural Rule for the Assessment of Civil Penalties for Classified Information Security Violations'' (RIN1992–AA28) received on February 14, 2005; to the Committee on Energy and Natural Resources.

EC–1011. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Montana Regulatory Program'' (MT–024–FOR) received on February 11, 2005; to the Committee on Energy and Natural Resources.

EC–1012. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Syrups, Hydrolyzed Starch, Hydrogentated; Exemption from the Requirement of a Tolerance'' (FRL No. 7697–9) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1013. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quizalofop-ethyl; Pesticide Tolerance'' (FRL No. 7694–4) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1014. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Octanamide, N,N-dimethyl and Decanamide, N,N-dimethyl; Exemptions from the Requirements of a Tolerance'' (FRL No. 7698–3) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1015. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Avermectin B1 and its delta-8,9-isomer; Pesticide Tolerance'' (FRL No. 7695–7) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1016. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clothianidin; Pesticide Tolerance'' (FRL No. 7690–2) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1017. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acibenzolar-S-methyl; Pesticide Tolerances for Emergency'' (FRL No. 7697–8) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1018. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerance'' (FRL No. 7697–7) received on February 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1019. A communication from the Acting Chief, Publications and Regulations Bureau, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Testimony or Production of Records in a Court or Other Proceeding'' (TD 9178) received February 14, 2005; to the Committee on Finance.

EC–1020. A communication from the Acting Chief, Publications and Regulations Bureau, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Specified Liability Losses'' (Notice 2005–20) received February 14, 2005; to the Committee on Finance.

EC–1021. A communication from the Acting Chief, Publications and Regulations Bureau, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Purchase Price Safe Harbors for Section 143 and 25'' (Rev. Proc 2005–15) received February 14, 2005; to the Committee on Finance.

EC–1022. A communication from the Acting Chief, Publications and Regulations Bureau, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004'' (Notice 2005–19) received February 14 , 2005; to the Committee on Finance.

EC–1023. A communication from the Acting Chief, Publications and Regulations Bureau, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Return of Partnership Income'' (TD 9177) received February 14, 2005; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–1. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Speciality Crop Competitiveness Act; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 279

Whereas, in 2001, Congress provided for speciality crop block grant program to address difficult circumstances in speciality crop segments of American agriculture. Through this single-year program, states, including Michigan, administered grants that helped specialty crop producers, processors, and commodity organizations conduct research, revamp marketing and promotion, and improve inspection efforts; and

Whereas, the specialty crop block grant program, which is distinct from traditional farm assistance programs, was successful, especially in Michigan, in fostering improvement in the competitiveness of many crop areas through a focus on specific projects. The program's impact on Michigan agriculture was widespread; and

Whereas, Congress has before it a measure that would authorize a permanent specialty crop block grant program. The Specialty Crop Competitiveness Act, H.R. 3242, would be a most effective way to increase the competitiveness of American agriculture in our fast-changing global economy. With the great diversity of Michigan's farms, our state has a major stake in this legislation: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Specialty Crop Competitiveness Act; and be it further

Resolved, That copies of the resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–2. A Joint Resolution adopted by the Assembly of the State of California relative to specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

ASSEMBLY JOINT RESOLUTION NO. 69

Whereas, rapid conversion of California's farm and ranch lands for nonfarm use has contributed to the state's increased dependence upon imported food; and

Whereas, according to the National Agricultural Statistical Service of the United States Department of Agriculture, 3.7 million acres of farm land (more than 10 percent of total farm land) was lost between 1990 and 2003; and

Whereas, increased dependence upon imported foods has created increased vulnerability to exotic pests and diseases, evidenced by 63,527 shipments of prohibited commodities intercepted and destroyed or shipped back out-of-state in 2002; and

Whereas, according to the California Department of Food and Agriculture's (hereafter CDFA) January 2004 report Protecting California from Biological Pollution, interception of quarantined pests at point-of-entry is the state's primary defense against the introduction and spread of biological pollution; and

Whereas, every dollar spent on early intervention against exotic and invasive species, on average prevents seventeen dollars ($17) in later expenses, as seen by the following:

(a) CDFA Plant Health Pest Prevention Services spent two hundred fifty-eight million dollars ($258,000,000) to eradicate Mediterranean fruit fly infestations between 1980 and 1996. Just four million four hundred thousand dollars ($4,400,000) has been spent since the Medfly Exclusion Program was launched in 1996.

(b) CDFA Animal Health & Food Safety Services in 2002 reported that Exotic Newcastle Disease, the most fatal vital disease known to birds, required more than 3.4 million birds to be destroyed at a cost of more than three million six hundred thousand dollars ($3,600,000) to California and one hundred sixty-six million four hundred thousand dollars ($166,400,000) to the federal government.

Whereas, pest and disease prevention and exclusion is critical to all states of this nation and to our populations, in order to protect the health and welfare of the public and the jobs within agriculture and its related industries; and

Whereas, the California Legislature recognizes the importance of the partnership between federal and state governments to protect California's food and fiber from exotic pests and diseases, and the importance of promoting the role local agriculture has in supporting the daily living needs of all Californians and United States citizens; and

Whereas, the Legislature recognizes the farm worker's importance to agriculture production and the dependence of rural economies on agriculture; and

Whereas, the California Legislature recognizes the role the United States Congress played in delivering the 64 million dollar grant from the United States Department of Agriculture in 2001, which was the basis for the Buy California Initiative promoting California Grown products; and

Whereas, the California Legislature recognizes the value of federal funds available to support important programming including the Western Institute for Food Safety managed by the University of California at Davis; the 5 A Day For Better Health Nutrition Education Campaign managed by the state Department of Health Services; and the Linking Education, Activity and Food (LEAF) Program managed by the state Department of Education; and

Whereas, the California Legislature believes that there is a need, but no state funding, to expand programs that integrate food nutrition and schools, including, but not limited to, local fresh fruits and vegetables in school lunch programs, and educating school officials about on the seasons of state grown specialty crops; and

Whereas, the United States Congress currently is considering HR 3242, the Specialty Crop Competitiveness Act of 2003; and

Whereas, HR 3242 would continue the essential federal funding that started in 2001 that helped to support California's increasingly challenged food and fiber production infrastructure with the tools necessary to support food and fiber security, nutrition, and education: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests that the Congress of the United States of America support the passage of HR 3242, the Specialty Crop Competitiveness Act of 2003; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–3. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Medal of Honor for Valor; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 848

Whereas, during the invasion of the Philippine Islands, Sgt. Harvey Possinger, a resident of Stroud Township, Monroe County, went above and beyond the call of duty by rescuing two of his fellow soldiers, Emil Angel and Paul Baehr, who were under intense mortar fire at Belete Pass, despite being seriously injured himself; and

Whereas, in spite of his wounds, Sgt. Possinger selflessly administered medical assistance to Emil Angel, inspiring his unit, B company, which two days later secured the area with the help of reinforcements and enabled the Allied campaign to move forward; and

Whereas, Sgt. Possinger is a highly decorated combat veteran of World War II, receiving five Purple Hearts, a Distinguished Service Cross, a Silver Star and a Bronze Star for his three years of outstanding military service; and

Whereas, Sgt. Possinger's commanding officer nominated him for the Medal of Honor 60 years ago, but the nomination was lost, destroyed or misfiled; and

Whereas, the Congress has rendered no decision on the matter: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress to award the Medal of Honor to Sergeant Harvey Possinger without further delay; and be it further

Resolved, That a copy of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–4. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to stabilizing the steel market; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 241

Whereas, for many years, manufacturers in our country and throughout our state have wrestled with fluctuations in the prices of steel. There are many contributing factors, including the notable impact of other nations subsidizing raw steel products and ''dumping'' them on the American market. The cumulative impact of this instability has been damaging to many key industries; and

Whereas, a very significant and harmful development of late is a steep rise in the cost

of scrap steel. In only a few months, major increases in purchases of scrap steel by other countries, especially China and South Korea, have resulted in skyrocketing costs of scrap steel, a key source of materials used by manufacturers of many types of products, especially within the automotive industry; and

Whereas, dramatically escalating scrap steel costs are a serious threat to numerous auto supply companies throughout Michigan. These companies rely upon the availability of this material at fair prices to fill their contracts with the major automakers. This situation is a major factor threatening Michigan jobs in many communities. The seriousness of this threat to jobs and our nation's manufacturing capacity requires swift action to bring stability to this market: Now, therefore, be it

Resolved by the Senate, That we memorialize the President and the Congress of the United States to explore what steps might be necessary to stabilize the steel market in this country in order to ensure the availability of this raw material for domestic market needs and help contain escalating prices; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–5. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the transportation of liquid petroleum; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 320

Whereas, regulations restricting hours of service of motor transport workers contribute to public safety as goods are handled and moved across the country. As technology and equipment have changed, these regulations have also evolved. The Federal Motor Carrier Safety Administration sets these standards to respond to changes that occur and situations where the regulations clearly need to be adjusted; and

Whereas, the overall impact of hours of service regulations can vary significantly from industry to industry. Currently, for those hauling and delivering liquid petroleum products, the regulations provide that a person doing so must take 10 consecutive hours off for every 14 hours worked. Companies that transport liquid petroleum locally, however, are finding that these restrictions are a hindrance to their ability to operate effectively and efficiently; and

Whereas, the most effective laws and regulations bring balance to the situation or issue in question. The regulations that determine the hours of service for a person transporting liquid petroleum locally need to be modified to reflect the vastly dissimilar nature of their jobs from others transporting similar products: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the United States Department of Transportation to exempt local liquid petroleum distribution personnel from federal regulations that require 10 hours of off duty for every 14 hours on duty; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Transportation, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–6. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the confirmation of the United States Secretary of Commerce, to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 307

Whereas, President Bush has nominated Mr. Carlos Gutierrez, the CEO of Kellogg Company, as the new Secretary of Commerce. With the work Mr. Gutierrez has undertaken throughout his long and distinguished career with one of Michigan's best known international businesses and the record he has compiled in community life in Battle Creek, the people of Michigan harbor strong feelings of respect and admiration for this talented and visionary gentleman; and

Whereas, Carlos Gutierrez clearly embodies the American Dream in the path his life has taken. He came to the United States as a young boy with his brother and parents, refugees form Cuba beginning their lives anew. He proudly became an American citizen, and he has never lost sight of the significance of the opportunities and the responsibilities before all of us in this country. His rise from selling cereal out of a van in Mexico City to becoming the head of Kellogg is an amazing tale of hard work and personal integrity; and

Whereas, over the course of his career, Carlos Gutierrez has gained invaluable understanding of the crucial issues of manufacturing and trade in the international marketplace. He has excelled in a wide range of posts, representing Kellogg in Latin America, Canada, and the Asia-Pacific region. Since becoming the CEO in 1999, Mr. Gutierrez has had to make difficult decisions with strong impacts on the economy of Battle Creek and Michigan. His leadership in the face of challenging circumstances has brought significant strength to the company over the past five years; and

Whereas, as our country deals with the new realities of the global economy, Mr. Gutierrez's experiences and insights are just what our nation's businesses and working families need. Our nation will be well served by his diligence, character, and talent: Now, therefore, be it

Resolved by the Senate, That we offer our strong endorsement of Carlos Gutierrez and urge the United States Senate to confirm him as the United States Secretary of Commerce; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate and Senators Levin and Stabenow.

POM–7. A Joint Resolution adopted by the Assembly of the State of California relative to the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY JOINT RESOLUTION NO. 5

Whereas, the United States Coast Guard is a military, multimission, maritime service that has answered the calls of America continuously for over 210 years; and

Whereas, over that history the Coast Guard's roles as lifesavers and guardians of the sea have remained constant, while their missions have evolved and expanded with a growing nation; and

Whereas, the Coast Guard mission is to protect the American public's most basic need, our safety and security, the environment, and our economy; and

Whereas, the Coast Guard responds to more than 50,000 calls for assistance and saves thousands of lives and billions of dollars in property; and

Whereas, the Coast Guard's five operating goals: safety; protection of natural resources; mobility; maritime security; and national defense, define the focus of the Coast Guard's service and enable it to touch everyone in the United States; and

Whereas, the goal of safety is pursued primarily through its search and rescue and marine safety missions; and

Whereas, no other government agency or private organization has the extensive inventory of assets and expertise to conduct search and rescue of both recreational boaters as well as commercial mariners, from the lakes, rivers, and nearshore areas to the high seas; and

Whereas, the Coast Guard provides the first line of defense in protecting the maritime environment through the marine safety program, ensuring the safe commercial transport of passengers, cargo, and oil through our waters, and by guarding our maritime borders from incursions from foreign fishing vessels; and

Whereas, the Coast Guard serves as a global model of efficient military, multimission, maritime service for the emerging coast guards of the world and helps friendly countries become positive forces of peace and stability, promoting democracy and the rule of law; and

Whereas, Coast Guard men and women are a highly motivated group of people who are committed to providing essential and valuable service to the American public; and

Whereas, the Coast Guard military structure, law enforcement authority, and humanitarian functions make the Coast Guard a unique arm of national security enabling it to support broad national goals; and

Whereas, the Coast Guard is well known for being the first to reach the scene when maritime disaster strikes, and continues to be tasked with protecting our waters from pollution, our borders from drug smuggling, and our fisheries from overharvest as well as additional assignments that stretch its people and resources thin: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State California urges the President and Congress of the United States to fully fund the Coast Guard's operational readiness and recapitalization requirements to ensure this humanitarian arm of our National Security remains Semper Paratus through the 21st century; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States and all members of Congress of the United States.

POM–8. A joint resolution adopted by the Assembly of the State of California relative to space exploration; to the Committee on commerce, Science, and Transportation.

ASSEMBLY JOINT RESOLUTION NO. 86

Whereas, the United States is a nation of explorers; and

Whereas, exploration and discovery have been especially important to the American experience, providing vision, hope, and economic stimulus, from new world explorers and American pioneers to the Apollo program; and

Whereas, just as Lewis and Clark could not have predicted the settlement of the American west within a hundred years of the start of their famous 19th century expedition, the total benefits of a single exploratory undertaking or discovery cannot be predicted in advance; and

Whereas, the desire to explore is part of our character, and history has shown that space exploration benefits all humankind through new technologies for everyday application, new jobs across the entire economic enterprise, economic contributions through new markets and commercial products, education and inspiration, United States leadership, increased security, and a legacy for future generations; and

Whereas, new technologies and commercial spin-offs from the advancements made through National Aeronautics and Space Administration (NASA) programs have provided economic expansion and improved life quality to residents not only within the United States, but worldwide, and some of these technologies include the following:

(a) Image processing used in CT scanners and MRI technology came from technology developed to computer-enhance pictures of the moon for the Apollo program

(b) Kidney dialysis machines were developed as a result of a NASA-developed chemical process, and insulin pumps were based on technology used on the Mars Viking spacecraft.

(c) Programmable heart pacemakers were first developed in the 1970's using NASA satellite electrical systems.

(d) Fetal heart monitors were developed from technology originally used to measure airflow over aircraft wings.

(e) Surgical probes used to treat brain tumors resulted from special lighting technology developed for plant growth experiments on space shuttle missions.

(f) Infrared hand-held cameras used to observe atmospheric gas plumes in space from the space shuttles have helped firefighters point out hot spots in wild fires; and

Whereas, this state has been a leader in the research, design, exploration, and development of space enterprise since the dawn of the space age; and

Whereas, space is a $24.2 billion enterprise in this state and generates 133,000 direct and indirect jobs scattered throughout the entire state; and

Whereas, our nation's new vision for space exploration charts a new, building block strategy to explore destinations across our solar system with robots and humans, allowing our nation to remain competitive in the new industry of space commerce; and

Whereas, the research and development necessary to rely on the initial robotics goal is uniquely suited for the three NASA centers located in our state; and

Whereas, the three NASA centers in this state—Ames Research Center in Santa Clara County, Dryden Flight Research Center in Antelope Valley, and the Jet Propulation Laboratory in La Cañada Flintridge jointly employ 7,250 people and maintain a payroll in excess of $300 million; and

Whereas, NASA's economic benefit to this state already tops $3 billion annually, including over $175 million worth of science and engineering grants to California's public and independent universities, and the proposed vision for space exploration is expected to strengthen this economic impact: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress and the President of the United States is requested to enact and fully fund the proposed budget for space exploration, as submitted to the Congress in the federal 2005 fiscal year budget, to enable the United States and California, in particular, to remain a leader in the exploration and development of space; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–9. A Senate Concurrent Resolution adopted by the General Assembly of the State of Ohio relative to the funding of the National Aeronautics and Space Administration's Vision for Space Exploration Program; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 32

Whereas, the United States has a proud heritage of leading the world in exploration and discovery on land, under the seas, and in outer space. This heritage of expanding the boundaries of our national experience has been paramount in American priorities from the days of Lewis and Clark through the exploration of the moon's surface by the Apollo astronauts and of the surface of Mars using the Mars Rovers; and

Whereas, the expansion of America's exploration boundaries from the original 13 states to the lunar surface in the relatively short period of 200 years has led to immeasurable benefits to all humankind through the development of new technologies, the creation of jobs across the entire economic spectrum, economic growth through the creation of new commercial products and markets, the creation of advanced educational opportunities, and the establishment of a legacy for future generations; and

Whereas, the potential of space exploration has ignited American students' interests in science, technology, engineering, and mathematics. In particular, the National Aeronautics and Space Administration (NASA) Glenn Research Center's education programs are exemplary in inspiring the next generation of explorers; and

Whereas, the State of Ohio has long played a leading role in America's exploration initiatives, especially in our nation's aeronautics and space program. Ohio is the home of Orville and Wilbur Wright, 24 past and present astronauts, including former United States Senator and astronaut John Glenn and former astronaut Neil Armstrong, and countless other air and space pioneers at every level of research and exploration; and

Whereas, Ohio also is home to two federal laboratories, NASA Glenn Research Center and Wright Patterson Air Force Research Laboratory, both recognized by the United States Department of Commerce for their outstanding innovative activities contributing to economic development; and

Whereas, the NASA Glenn Research Center is a world-renowned center for the research and development of many cutting-edge technologies, especially power, propulsion, communications, and microgravity research. It also is a model of creating a consortium of university, government, and private sector entities to foster collaborative research and development. Finally, the Center is the winner of 89 of the 141 R & D 100 Awards granted to NASA since 1966, including the first NASA R & D 100 Award; and

Whereas, the talent, technology, and infrastructure exist in Ohio to provide resources that will be key to carrying out NASA's future missions: Now therefore be it

Resolved, That we, the members of the 125th General Assembly of the State of Ohio, support the continuation of research and development programs in space science missions in order to take full advantage of the previous investments made in the space stations and other NASA infrastructure, support NASA's goal of returning to the moon as well as conducting excursions to Mars and beyond and hereby encourage the United States Congress to enact and fully fund the proposed Vision for Space Exploration Program as submitted to the Congress in the fiscal year 2005 budget in order to enable the United States and Ohio in particular, to remain a leader in the exploration and development of space; and be it further

Resolved, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, the members of the Ohio Congressional delegation, and to the news media of Ohio.

POM–10. A Senate Concurrent Resolution adopted by the General Assembly of the State of Ohio relative to mandatory, national electric transmission reliability standards; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 26

Whereas, on August 14, 2003, a massive failure of the electric transmission grid caused a blackout affecting the personal and economic lives of over 50 million citizens in the Northeastern and Midwestern areas of the United States, as well as in parts of Canada; and

Whereas, cited as one reason for the August 14 electric system collapse was inadequate reliability management that affected the integrity of the system, created an imbalance between supply and demand, and exposed poor protocol practices and communication between overseers of the grid; and

Whereas, the result of these failures in grid management, combined with other factors, was the cascading shutdown of the electric grid, causing an electricity blackout of a magnitude unequaled in the history of the United States; and

Whereas, electricity is a necessity integral to our health, safety, and economic well-being; and

Whereas, the system reliability that is so crucial to our lives currently is governed by voluntary, nonuniform, and often conflicting standards, wholly inadequate to accommodate the modern day electricity market and ever-growing demand in electricity usage; and

Whereas, with the increasing demand for more electricity and market transaction use of the grid, the issues of reliability and coordination in the delivery of electricity become paramount; and

Whereas, the electric grid originally was designed and constructed to accommodate the transportation of generation plant electrical output dedicated to utility service area customers and interconnections with other utilities has served as a means of ensuring greater electric supply reliability; and

Whereas, there is an ever-growing demand on the electric transmission grid to be used for the long-distance transportation of increasing amounts of electricity, in patterns and manners far different than those contemplated in the original design and construction of the grid; and

Whereas, investments in our country's electric grid have declined for decades, even as the demand for grid use has increased; and

Whereas, the declining trend in grid investment requires federal and state regulatory

certainty, to ensure grid reliability and encourage investment that enhances and expands the grid to accommodate present and future demands on the national electric system; and

Whereas, the United States Supreme Court recently recognized that the transmission of electricity is inherently interstate commerce: Therefore be it

Resolved, That we, the members of the 125th Ohio General Assembly, in adopting this resolution, request that the United States Congress enact laws enabling a national entity to establish and enforce national standards and protocols for the reliability and efficient management of the national electric grid, irrespective of region; and be it further

Resolved, That the members of the Ohio General Assembly also request Congress to enact laws that ensure that the Federal Energy Regulatory Commission (FERC) has oversight regarding the national electric grid reliability entity; and be it further

Resolved, That the members of the Ohio General Assembly request that Congress enact laws that ensure FERC authority to require electric transmission owners to participate in an appropriate regional transmission organization, to advance reliability goals in complement with similar mandates of the State of Ohio and other states; and be it further

Resolved, That the members of the Ohio General Assembly request that Congress immediately take these actions to protect and enhance the reliability of the national grid for the health, safety, security, and economic viability of the American people; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

POM–11. A Joint Resolution adopted by the Assembly of the State of California relative to veterans' home loan programs; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 17

Whereas, the States of Alaska, California, Oregon, Texas, and Wisconsin have established veterans' home loan programs; and

Whereas, the State of Alaska, California, Oregon, Texas, and Wisconsin have authority in the Internal Revenue Code to issue qualified veteran mortgage bonds to finance their respective veteran home loan programs; and

Whereas, veterans' eligibility under current federal tax law restricts the eligibility to veterans who served on active duty prior to January 1, 1997; and

Whereas, the federal tax law devalues the service to our country given by those men and women who have served in the military of the United States since 1977 by denying them access to a benefit that has been available to their counterparts from other eras; and

Whereas, service in uniform should be accorded the same respect and stature irrespective of the moment in time during which it was provided. The men and women who have served since 1977 should have the same opportunity to take root in the communities they have defended as was offered those who "made the world safe for democracy" in World War II, or were called upon to "pay any price, bear any burden, support any friend or oppose any foe to ensure the survival and success of liberty . . ." during the Vietnam and Cold War eras; and

Whereas, the Directors of Veterans Affairs of the States of Alaska, California, Oregon, Texas, and Wisconsin are desirous of extending their respective veteran home loan programs to include the men and women of the United States of America who are dispatched to participate in any conflict that has occurred or will occur on or after January 1, 1977; and

Whereas, nearly 3 million veterans reside in California. Of those, 1.05 million, began their active military service on or after January 1, 1977, and over one-quarter million of those served in Desert Storm; and

Whereas, since 1922, California has operated, at no expense to its General Fund, the Cal-Vet Farm and Home Loan Program. Cal-Vet is a qualified veterans mortgage bond (OVMB) program that has helped 408,000 California veterans become homeowners; and

Whereas, opening participation in this home loan benefit to post-1976 veterans requires no direct budget expenditure by Congress and the well-established benefits of home ownership to local communities will be enhanced and expanded; and

Whereas, veterans of all conflicts should receive benefits consistent with the benefits available to veterans of previous armed conflicts; and

Whereas, those veterans have been qualified for eligibility into congressionally chartered veterans' organizations by prior acts of the Congress of the United States: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to urge the Congress of the United States to amend paragraph (4) of Section 143(*l*) of the Internal revenue Code of 1986 to read: "(6) Qualified veteran—For purposes of this subsection, the term 'qualified veteran' means any veteran—(A) who meets such requirements as may be imposed by the State law pursuant to which qualified veterans' mortgage bonds are issued"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to the Speaker of the House of Representatives, the President of the Senate, and each Member in the Congress of the United States.

POM–12. A Joint Resolution adopted by the Assembly of the State of California relative to border crossing deaths; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION NO. 15

Whereas, on May 24, 2001, following an extensive rescue search by the United States Border Patrol, 25 migrants who were abandoned by their smugglers were found in the Cabeza Prieta National Wildlife Refuge in southwest Arizona; and

Whereas, after being driven for one and one-half hours through the wildlife refuge, the migrants were told by the smugglers that it was only a short walk to a nearby highway; and

Whereas, in fact, in order to reach their destination the migrant were required to travel across 70 miles of harsh desert in an area known as "The Devil's Path" and endure air temperatures in excess of 115 degrees and desert floor temperatures of 130 degrees; and

Whereas, fourteen of those victims died of exposure and dehydration and 11 survivors were hospitalized in the deadliest crossing of the border since 1987, when 18 Mexican men died in a locked boxcar near Sierra Blanca, Texas; and

Whereas, since 1994, border enforcement initiatives such as "Operation Gatekeeper" on the California-Mexico borden have increased patrols and constructed steel walls near urban areas, forcing migrants to make more dangerous crossings in rural, often open desert areas; and

Whereas, most migrants are unaware and unprepared to make a desert crossing, thereby leading to a substantial increase in fatalities due to dehydration in the summer and hypothermia in cold weather; and

Whereas, deaths of migrants along the desert areas of the border have increased exponentially since the implementation of these initiatives, with reported deaths increasing from 25 in 1994 to 369 in 1999 and 491 in 2000, according to figures released by the Mexican government, as well as an unknown number of undiscovered and unreported deaths; and

Whereas, as a result of the increase in border crossings and deaths in these desert areas, concerns have been expressed by humanitarian organizations, civil rights organizations, churches, and the Mexican government that the United States Border Patrol's current enforcement program effectively is operating as a channeling operation, rather than a general border interdiction program; and

Whereas, immediately after this incident both the United States and Mexican governments jointly announced that they were launching an investigation of the incident, issued a statement condemning the actions of smugglers, and reaffirmed their commitment to combat the trafficking of migrants; and

Whereas, both governments also recognized the need for the two nations to continue to work together to reach agreements on migration and border safety; and

Whereas, President George W. Bush and President Vincente Fox have established a high-level working group on migration co-chaired by Attorney general John Ashcroft and Secretary Colin Powell of the United States and by Mexico's Foreign Secretary and its Secretary of Government; and

Whereas, this working group on migration and border safety plans to continue to meet to discuss specific measures to prevent future occurrences of these tragedies and to promote safe and orderly migration; and

Whereas, at a minimum, the potential solutions to this tragic problem require a comprehensive examination of the consequences of border initiatives, enhanced investigations by the Mexican government of criminal gangs of smugglers, providing the United States Border Patrol with increased search and rescue resources such as lifesaving gear and emergency medical training, and consensus on a long-term agreement between the United States and Mexico on migration and border security policies: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California urges the President and Congress of the United States and the United States Border Patrol to proceed in a cooperative effort with the Mexican government through the working group on migrations and border safety to achieve a comprehensive examination of border safety and migration issues, an assessment of the impact of United States border initiatives, enhanced investigations and prosecutions of

criminal gangs of smugglers, and increasing search and rescue operations along the border; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, all members of the Congress of the United States, and the Mexican Consulate in Washington, D.C.

POM–13. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to the preferred approach through which to exercise self-determination concerning the status of Puerto Rico; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 107

The right of the People to freely choose their system of government and their political destiny in relation to the other countries is an inalienable natural right: neither can legislation contrary to this right be admitted nor can a regime or legislation contrary to the full exercise of this right be admitted. This is thus consigned in several resolutions of the General Assembly of the United Nations Organization applicable to Puerto Rico.

The regime of the political relations between Puerto Rico and the United States of America remained subject for future deliberation since the conclusion of the deliberations of the Constitutional Convention on the political status of the People of Puerto Rico in 1952, which drafted the Constitution of the Commonwealth of Puerto Rico. This by virtue of Public Law 600 of the 81st Congress of the United States of 1950, adopted in a referendum held in Puerto Rico, which limited the deliberative and governmental framework of the Constitutional Convention from 1951 to 1952.

The Constitutional Convention of 1952 expressed through Resolution No. 23 that: ''The People of Puerto Rico reserve the right to propose and accept modifications in the terms of its relations with the United States of America, in order that these relations may at all times be the expression of an agreement freely entered into between the People of Puerto Rico and the United States of America.'' (Enacted February 4, 1952, and forwarded to the President of the United States.)

This expression, based on a natural and constitutional right and of the highest democratic nature, was subsequently incorporated by the General Assembly of the United Nations Organization in its Resolution 748 (VIII) of November, 1953, regarding the documents submitted by the United States Government on the Constitution of the Commonwealth of Puerto Rico. It is thus stated in its ninth enabling paragraph where it is expressed, ''its assurance that, in accordance with the spirit of the present Resolution . . . due regard will be paid to the will of both the Puerto Rican and American peoples . . . in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association.''

Since the effectiveness of the present status of political relationship between Puerto Rico and the United States, untiring efforts have been made to review the political status issue of Puerto Rico and the scope of the relationship with the United States of America. Specifically, in 1967, a consultation process of the people was held in which the majority of the participants reaffirmed their support to the Commonwealth option, and subsequently, in 1993, a second plebiscite was held, and once again the Commonwealth option was favored. Finally, in 1998, a new plebiscite was held in which the Legislature of Puerto Rico, and not the political parties or the representative groups of specific ideologies, defined the status options to be presented to the people. In said plebiscite, the ''None of the Above'' option was favored.

Likewise, in the past fifty-two years several efforts have been made to have the United States Congress enact legislation that would allow further the discussion of this issue. Specifically, we take notice of the efforts made through the Status Commission during the decades of the 60s and 70s; and from 1989 to 1991 by the U.S. Senate Resources Committee, and in the mid 90s, by the U.S. House of Representatives Resources Committee. None of these efforts was able to produce legislation that would effectively attend the discussion of status.

Having repeatedly approached through decades diverse methods, the Legislature of Puerto Rico, exercising the powers and faculties pursuant to the Constitution of the Commonwealth of Puerto Rico, proposes a consultation of the people so that they may determine the procedural mechanism they deem proper to deal with the issue of the political status of Puerto Rico, and the scope of the relationship with the United States of America. In this referendum a constitutional assembly will be presented as an alternative.

More than fifty years have elapsed since the establishment of the present status, and considering the manifest expressions of all representative sectors of the country on the need to make changes to the present relationship, it is proper for this Legislature to consult the people in order to initiate the process to elect an adequate mechanism to deal with the political status of Puerto Rico and its relationship with the United States of America: Be it

Resolved by the legislature of Puerto Rico:

Section 1.—Statement of Public Policy.

It is hereby declared that the People of Puerto Rico have the inalienable natural right to self-determination and political sovereignty. In accordance thereto, this Legislature declares that, upon the failure of several processes for the exercise of this right, it is imperative for the people to exercise the same through a Constitutional Assembly on the status of the relationship between Puerto Rico and the United States of America.

Section 2.—The Legislature acknowledges the Report rendered on March 11, 2002, as directed by Senate Resolution 201 and House Resolution 3873, both recommending the mechanism of an Assembly of the People to consider the status issue.

Section 3.—It is proper to study and draft the legislation for the people to decide on the desirability of calling a Constitutional Assembly on Status. The legislation shall include the mechanisms to implement the election of delegates and the organization of the Constitutional Assembly on Status, if it is favored at the polls.

Section 4.—The Committee on the Judiciary of both Bodies shall prepare a study and report which shall contain projects of law for holding a referendum on the calling of said Constitutional Assembly, appropriation of funds, and every other measure or process needed to implement this public policy. The following shall be assured:

a. The effective participation of the representatives of the political parties and the civil society.

b. That the proposals to be submitted to the consideration of the people arise from the principle of sovereignty in the future political relationships of Puerto Rico, and be as such defined outside of the territorial clause of the Constitution of the United States of America.

c. That the Assembly shall enjoy deliberative and negotiation attributes with the United States Government.

d. That every determination of the Assembly shall be subject to ratification by the people at a referendum.

Section 5.—The Committee shall render its report before December 31, 2004, and thereby be submitted for the consideration of the next Regular Legislature.

Section 6.—A copy of this Concurrent Resolution, together with the results of the vote for its approval, shall be certified by the Office of the Secretary and of the Clerk of both Chambers, and remitted to the Special Decolonization Committee of the United Nations General Assembly, to the White House Interagency Committee on the Status of Puerto Rico, and to the Congress of the United States of America.

Section 7.—This Concurrent Resolution shall take effect upon its approval and constitutes public policy until its repeal or implemented.

POM–14. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to establishing the Northeast Detroit Community Health Center as a Federally Qualified Health Care Center; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 68

Whereas, Michigan's largest city faces enormous challenges related to the health of its citizens. Difficult economic conditions, including high rates of poverty and uninsured residents, have contributed to a host of serious problems. The health of Detroit's residents is clearly a major concern and a threat to the state's future; and

Whereas, the northeastern region of the city is especially underserved by medical professionals and facilities. The eight-square mile area being targeted for the establishment of a federally qualified health care center has an infant mortality rate that is twice the state's, a lifespan of only 68.5 years, and a rate of uninsured residents over 45 percent; and

Whereas, Advantage Health Centers has proposed to establish the NorthEast Detroit Community Health Center, in partnership with St. John Health, under the United States Health and Human Services Section 330 federally qualified health care center program. This initiative would represent a major step in addressing the significant medical care needs of area residents. The facility seeks to serve 10,450 clients through 26,100 patient encounters annually; and

Whereas, the new community center would provide preventative and primary health care services, including mental health and substance abuse care, as well as access to the full range of the resources of St. John Health. The overall impact of a federally qualified health care center such as this would be substantial not only to the daily lives of the individuals served, but also to the well-being of the metropolitan area: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States and the Department of Health and Human Services to establish the NorthEast Detroit Community Health Center as a federally qualified health care center; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United

States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Department of Health and Human Services.

POM–15. A Joint Resolution adopted by the Assembly of the State of California relative to the Employee Free Choice Act; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 87

Whereas, since 1935, workers have had the right under federal law to form unions, but federal laws have eroded over the years and are poorly enforced; and

Whereas, each year, 20,000 American workers suffer loss of pay due to illegal retaliation against them for exercising their right to freedom of association, and thousands more American workers are illegally threatened, coerced and interrogated, spied on, and harassed because of their efforts to form a union; and

Whereas, 42 million workers in the United States say that they would join a union now if they had the opportunity; and

Whereas, in California only 17.5 percent of our workers are unionized; and

Whereas, union membership provides workers better wages and benefits, and protection from discrimination and unsafe working places, while benefiting whole communities by strengthening tax bases, promoting equal treatment, and enhancing civil participation; and

Whereas, even though federal laws guarantee American workers the right to choose for themselves whether to form a union, employers across the nation routinely violate that right; workers are harassed, intimidated, coerced, and even fired, just for exercising, or attempting to exercise, this fundamental freedom; and

Whereas, the freedom to join a union is recognized as a fundamental human right; and

Whereas, when employers violate the right of workers to form a union, everyone suffers—wages fall, race and gender pay gaps widen, workplace discrimination increases, and job safety standards disappear; and

Whereas, most employer violations occur behind closed doors and each year employers spend millions of dollars to defeat unionization; and

Whereas, a worker's fundamental right to choose a union is a public issue that requires public policy solutions, including legislative change; and

Whereas, S. 1925 and H.R. 3619 have been introduced this session in Congress, which introductions mark the first time in two decades that Congress is considering legislation that aims to restore the freedom of workers to join a union; and

Whereas, the Employee Free Choice Act (S. 1925 and H.R. 3619) would, when a majority of employees in a unit appropriate for bargaining voluntarily sign authorizations (commonly known as ''card check'' recognition) designating an individual or labor organization as their bargaining representative, authorize the National Labor Relations Board to certify that individual or labor organization as the exclusive bargaining representative of those employees; and

Whereas, the Employee Free Choice Act would also provide for first contract mediation and arbitration, establish meaningful penalties to be imposed on employers that violate the right of workers to join a union, and include, for workers, the same process for immediate relief from illegal conduct that the law presently gives only to employers: Now, therefore be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby supports and urges the Congress of the United States to pass the Employee Free Choice Act; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to be Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–16. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to the Federal Assault Weapons Act of 1994 continues in effect; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 4623

A furor has recently boomed on our Island regarding the possible repeal of the Federal Assault Weapons Act of 1994, whose term of effectiveness expires on September 14, 2004. This Act, which bans the use, purchase and sale of 19 large caliber weapons, with the exception of the exclusive use thereof by the U.S. Department of Defense, was established by an amendment to the Federal Violent Crime Control and Law Enforcement Act. Said banned weapons, as they are appear in literal detail in Title 18, Chapter 44, Section 921 of the United States Code, are the following:

''(A) any of the firearms, or copies or duplicates of the firearms in any caliber, known as—

(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);

(ii) Action Arms Israeli Military Industries UZI and Galil;

(iii) Beretta Ar70 (SC–70);

(iv) Colt AR–15;

(v) Fabrique National FN/FAL, FN/LAR, and FNC;

(vi) SWD M–10, M–11, M–11/9, and M–12;

(vii) Steyr AUG;

(viii) INTRATEC TEC–9, TEC–DC9 and TEC–22; and

(ix) Revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—

(i) a folding or telecoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(ii) a bayonet mount;

(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

(v) a grenade launcher;

(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—

(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

(ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip or silencer;

(iii) a shroud that is attached to, or partially or completely encircles the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;

(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

(v) a semiautomatic version of an automatic firearm; and

(D) a semiautomatic shotgun that has at least 2 of—

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a fixed magazine capacity in excess of 5 rounds; and

(iv) an ability to accept a detachable magazine.''

In view of this situation, the Police Departments and Mayors of several cities have been lobbying in the Congress and with the Hon. George Bush, President of the United States of America for the approval of the extension of said law, and thus the continuation of the assault weapons ban.

The AWL, which bans the manufacture and sale of the above specified military style weapons was passed 10 years ago, however, it included a clause for its renewal this year and for another ten year period until 2014. In order for this clause to become effective it must have the support of the Congress and be signed by the President of the United States.

In spite of the ban on the sale of assault weapons, Mr. Bill Bratton, Chief of the Los Angeles Police, has stated that it is not unusual to find this type of weapon in the hands of criminals or gangmembers in his city; however, he reaffirmed that thanks to this measure, local violent delinquency has dropped by 67%. Chief Bratton and the Mayor of Los Angeles, James Hahn, made this call to the Congress and to the President, while other authorities have done so in several cities of the United States.

It is proper to point out that these weapons are manufactured for the Army and that they are being used, at present, in the War against Iraq and in Afghanistan, and most certainly are not to be used in the streets of our country. It is imperative for the United States Congress to take immediate action and that it protect us from this type of weapon designed for mass destruction.

Furthermore, it is necessary to clarify that in spite of the existence of said measure for ten years, one out of every five fallen agents of the Los Angeles Police Department have been gunned down by this type of weapon in the streets of said city, as it appears in their records and from statements of the Chief of Police of said city.

In the case of Puerto Rico, 16 year old Nicole Muñiz was gunned down accidentally through the indiscriminate and illegal use of the weapons banned by the federal law. This High Puerto Rican Legislative Body most certainly deems it imperative to do all that is in its power to eliminate them from the streets and the hands of criminals, who take lives right and left, with no regard whatsoever for the innocent people of our Island.

Likewise, it also appears in the records of the Puerto Rico Police that most of the weapons seized are designed for the battlefields, many of which became of public use during the Viet Nam conflict and belong to the group of weapons banned in the federal legislation. However, at present many persons, particularly drug dealers, manage to obtain them and use their powerful weapons against the authorities. The design of many of these weapons is altered, including modifications to make them more potent and lethal. Furthermore, police authorities are constantly risking their lives since some of these weapons have the capacity to penetrate the bulletproof vests used as a means of protection.

In view of the above, several Island newspapers have published articles on the fact that the majority of the people of Puerto Rico are against allowing the possession, sale and use of said assault weapons, and that the parents of victims murdered with

the banned weapons have also stated that they favor the continuation of the effectiveness of the federal law, supra. Therefore, after knowing of the devastation that this type of military weapon can cause to the civilian population in the hands of criminals, this High Body has the moral imperative to make itself be heard, on behalf of the people it represents, before the federal authorities regarding the continuation of the effectiveness of the Federal Assault Weapons Act, and that new and more severe penalties be established for those who violate this Law: Be it

Resolved by the senate of Puerto Rico:

Section 1.—To state the most vehement support of the Senate of the Commonwealth of Puerto Rico to the continuation of the ban established in the Federal Assault Weapons Act of 1994, and for its effectiveness to continue as well as the ban on the use of assault weapons (automatic rifles) by the civilian population.

Section 2.—A copy of the Resolution of this High Body, translated into the English language, shall be remitted to all the members of the United States Congress and to the Hon. George Bush, President of the United States of America.

Section 3.—Likewise, a copy of this Resolution shall be delivered to the communications media for its corresponding diffusion.

Section 4.—This Resolution shall take effect immediately after its approval.

POM–17. A resolution adopted by the General Assembly of the State of New Jersey relative to making the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; to the Committee on the Judiciary.

ASSEMBLY RESOLUTION NO. 122

Whereas, the Republic of Poland is a free, democratic and independent nation; and

Whereas, in 1999, the United States and the Republic of Poland became formal allies when Poland was granted membership in the North Atlantic Treaty Organization; and

Whereas, the Republic of Poland has proven to be an indispensable ally in the global campaign against terrorism; and

Whereas, the Republic of Poland has actively participated in Operation Iraqi Freedom and the Iraqi reconstruction, shedding blood along with American soldiers; and

Whereas, the President of the United States and other high ranking officials have described Poland as ''one of our closest friends;'' and

Whereas, on April 15, 1991, the Republic of Poland unilaterally repealed the visa obligation to United States citizens traveling to Poland; and

Whereas, the United States Department of State's Visa Waiver Program currently allows approximately 23 million citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without having first to obtain visas for entry; and

Whereas, the countries that currently participate in the Visa Waiver Program include Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland and the United Kingdom; and

Whereas, it is appropriate that the Republic of Poland be made eligible for the United States Department of State's Visa Waiver Program: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The General Assembly of the State of New Jersey respectfully urges the President of the United States and the Congress of the United States to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested to by the Clerk thereof, shall be transmitted to the President of the United States, the presiding officers of the United States Senate and House of Representatives, every member of the New Jersey Congressional delegation, and Przemyslaw Grudzinski, the Ambassador of the Republic of Poland to the United States.

This resolution urges the President and the Congress of the United States to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program. The Visa Waiver Program currently allows approximately 23 million citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without having first to obtain visas for entry.

The Republic of Poland is a member of the North Atlantic Treaty Organization, an ally of the United States and in the global campaign against terrorism, and an active participant in Operation Iraqi Freedom and the Iraqi reconstruction. It provides visa-free travel for citizens of the United States.

POM–18. A Joint Resolution adopted by the Assembly of the State of California relative to psychotropic drugs and youth; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 41

Whereas, Federal legislation, known as the Pediatric Research Equity Act of 2003 (S. 650), was introduced in the Senate of the United States on March 18, 2003, passed by Congress in July, 2003, and signed by the President on December 3, 2003; and

Whereas, the purpose of the Pediatric Research Equity Act of 2003 is to provide the Food and Drug Administration (FDA) with clear authority to require pediatric studies of drugs to ensure their safe and effective use for children and the act applies to all medications whose intended use in pediatrics is the same as adults, thus ensuring complete information about the effects of the drug on children; and

Whereas, the Pediatric Research Equity Act is landmark legislation that gives the FDA the full authority to require drug manufacturers to test new medicines in children and the full power to order testing of older drugs, including psychiatric medications, that are widely prescribed in children if companies do not conduct studies voluntarily; and

Whereas, the Pediatric Research Equity Act will provide child and adolescent psychiatrists with safety and efficacy information about medications they prescribe for children and adolescents with mental illnesses; and

Whereas, there are an estimated six million children in the United States between the ages of six and 18 years of age taking psychotropic drugs, including stimulants such as Ritalin, antidepressants such as Paxil, Prozac, or Zoloft, and amphetamines such as Dexedrine; and

Whereas, the Pediatric Research Equity Act is timely legislation, especially in light of a recent study published in the Archives of Pediatrics and Adolescent Medicine that identified a rapid increase in the proportion of children and adolescents in the United States taking all types of psychiatric medications from the mid-1980s to the mid-1990s and that spotlighted the relative lack of knowledge about the unknown long-term effects of these medications on the pediatric and adolescent population; and

Whereas, the Pediatric Research Equity Act will prompt the development of a solid body of long term research and testing that is needed to determine the long-term safety of psychiatric medications in light of earlier ages of initiation and longer duration of treatment and that is needed to examine drug concentrations in body fluids and tissues over time in children and adolescents to determine the appropriate dosage and frequency for youth of different ages and body sizes; and

Whereas, prior to the enactment of the Pediatric Research Equity Act and, as cited in the landmark 2000 Report of the U.S. Surgeon General on Mental Health, physicians, specifically child and adolescent psychiatrists, relied on data from studies in adults, any clinical or anecdotal reports of use in child and adolescent patients, studies conducted outside the United States, and the experience of colleagues when making decisions to prescribe drugs, including psychotropic medications, to the pediatric and adolescent population; and

Whereas, when prescribed appropriately by a psychiatrist, preferably a child and adolescent psychiatrist, taken as prescribed, and used in conjunction with a comprehensive treatment plan that includes psychotherapy, medication may reduce or eliminate symptoms and improve the daily functioning of children and adolescents diagnosed with psychiatric disorders, and

Whereas, the Pediatric Research Equity Act is important legislation that will raise awareness that, because children and adults react to drugs in different ways, trying to calculate dosages on the basis of what is appropriate for adults risks over- and undermedicating children; and

Whereas, according to the American Academy of Pediatrics, only approximately 25 percent of all drugs on the market today have been tested or labeled for safe and effective use in children; and

Whereas, according to the FDA, pediatric testing has been done on 91 medications, which is far less than the 400 drugs for which the agency has requested studies in children; and

Whereas, as a result of the Pediatric Research Equity Act, increased testing and research on drugs prescribed for children will help guide sound treatment planning, increase access to more effective treatment options for children and adolescents living with physical and mental illnesses, and destigmatize child and adolescent mental illnesses; and

Whereas, children are a unique population with special medical needs and access to drugs that have been properly tested for pediatric use will ensure that they are safe and will work to ease children's pain and suffering or make them healthy: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California commends the Congress and the President of the United States for enacting the landmark Pediatric Research Equity Act of 2003 and thereby recognizing the importance of testing the safety and effectiveness of drugs for pediatric use, a victory for children's health and well-being; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to

the President and Vice President of the United States, to the Commissioner of the Food and Drug Administration, to the Secretary of Health and Human Services, and to each Senator and Representative from California in the Congress of the United States.

POM–19. A Joint Resolution adopted by the Assembly of the State of California relative to veterans benefits; to the Committee on Veterans' Affairs.

ASSEMBLY JOINT RESOLUTION NO. 36

Whereas, in addition to the benefits provided by the United States Department of Veterans Affairs, various states have recognized and rewarded the tremendous sacrifices made by our nation's veterans; and

Whereas, the State of California acknowledges the failure to fully recognize and support the sacrifices made by our military veterans, most notably after the Vietnam War; and

Whereas, the California Department of Veterans Affairs is committed to conferring and administering veterans benefits provided by a grateful State of California to its deserving veterans and their dependents; and

Whereas, in the past decade, the California Department of Veterans Affairs actively lobbied federal legislators to enact changes in current federal legislation that would extend home ownership opportunities for Vietnam War veterans; and

Whereas, home ownership is viewed by many as a cherished component of the American dream; and

Whereas, enabling veterans to achieve home ownership at a lower cost is but a small reward for their faithful service in the United States Armed Forces; and

Whereas, in appreciation of this service on behalf of our state and nation, the States of California, Wisconsin, Texas, Oregon, and Alaska have offered low interest rates on home loan mortgages to eligible veterans for many decades; and

Whereas, these programs have assisted over a million veterans in obtaining affordable housing and in making a better life for themselves and their dependents; and

Whereas, these states utilize tax-exempt bonds known as Qualified Veterans Mortgage Bonds (QVMBs) to fund almost all of the home purchase and home improvement loans made to veterans; and

Whereas, current federal law governing the use of tax-exempt bonds used to fund these loans, as contained in Section 143(*l*)(4) of the Internal Revenue Code, unfairly limits these programs to only those veterans who served prior to January 1, 1977; and

Whereas, this restriction unfairly prevents all veterans serving active duty post-1976 from using QVMBs, including over 500,000 men and women who served in Operation Desert Shield and Operation Desert Storm and over 380,000 members serving in Operation Enduring Freedom and Operation Iraqi Freedom; and

Whereas, these courageous men and women, many serving in harm's way even today, deserve the same benefits offered to their earlier comrades in arms, yet the states in which they and their families reside are being denied the opportunity to use QVMBs; and

Whereas, Congress has failed to remedy this discriminatory federal provision on behalf of these deserving men and women, despite the fact that it will not increase federal discretionary spending: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to support legislative action to immediately remove the discriminatory portion of Section 143(*l*)(4) of the Internal Revenue Code so that today's veterans and their families might enjoy the same benefits as their earlier counterparts; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Department of Veterans Affairs.

POM–20. A Joint Resolution adopted by the Assembly of the State of California relative to prescription drugs; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 62

Whereas, rapidly increasing health care costs are placing a growing burden on employers, workers, and publicly funded health programs; and

Whereas, recent federal statistics show that health care spending increased 9.3 percent in 2002, which is a rate five times greater than the overall rate of inflation and the largest increase in 11 years; and

Whereas, employer health premium costs in the United States rose 14.7 percent in 2003 and are projected to increase by another 12.6 percent in 2004; and

Whereas, one of health care's major cost drivers has been prescription drugs; and

Whereas, prescription drug spending increased 15.3 percent in 2002 after increasing an average 17.3 percent in 2000 and 2001; and

Whereas, prescription drug costs for the taxpayer financed Medi-Cal fee-for-service program reached $2.9 billion in the 2002–03 fiscal year and are projected to rise to $3.8 billion in the 2004–05 fiscal year; and

Whereas, private health plans and the California Public Employees' Retirement System, which is the state employees' health program, report annual double-digit increases in prescription drug spending, despite benefit changes such as increased copayments and multitiered copayments that increase the burden on subscribers; and

Whereas, seniors who require more medications on average have been especially hard hit by rising prescription drug costs and copayments; and

Whereas, even seniors with drug coverage find the cost of prescription drugs often far exceeds their coverage limits and must choose between food, rent, and needed medications; and

Whereas, Americans are paying more for prescription drugs than people in other countries; and

Whereas, one drug can cost five to 10 times more in the United States than in Canada or Europe; and

Whereas, one in five adults cannot afford to buy some or all of his or her prescribed medicines; and

Whereas, unaffordable prescription drugs and budget deficits have forced American cities, states, and individuals to turn to Canada for affordable drugs; and

Whereas, negotiating price reductions has been shown to lower drug prices in various state adopted programs, including the Medi-Cal program; and

Whereas, the Veterans' Administration aggressively negotiates lower drug prices through its nationwide pharmacy benefits program, which provides drugs for veterans at deep discounts; and

Whereas, last year, the Veterans' Administration filled 108 billion prescriptions at a cost of $2.8 billion, with savings to the federal government from negotiated drug prices that are estimated to be in the hundreds of millions of dollars; and

Whereas, the Veterans' Administration purchasing system could be adopted to save billions of dollars for the Medicare program and its beneficiaries, as well as state and local government programs; and

Whereas, the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 does nothing to control the high cost of drugs and in fact, explicitly prohibits the federal government from using its volume purchasing power to lower drug prices that will be paid by the government as part of the new Medicare drug benefit: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California calls upon the California delegation of the United States Senate and House of Representatives to sponsor and support legislation to repeal any Medicare provisions that would prohibit the federal government from negotiating fair drug prices, specifically as found in Section 1860D of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173); and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–21. A Joint Resolution adopted by the Assembly of the State of California relative to State Highway Route 99; to the Committee on Environment and Public Works.

ASSEMBLY JOINT RESOLUTION NO. 63

Whereas, the State Highway Route 99 corridor has the largest urban area not in the interstate highway system and Fresno is the largest city in the United States not served by an interstate highway; and

Whereas, studies have long shown that economic development is enhanced in areas that are close to interstate highways; and

Whereas, the Central Valley of California has the highest concentration of unemployment in the United States, and unemployment has been a persistent problem that needs to have extraordinary efforts applied to it; and

Whereas, the interstate highway system was designed to help all regions of the nation and promote interstate commerce and international trade; and

Whereas the omission of highways in the urban areas of the Central Valley from the interstate highway system cannot be justified and should be remedied; and

Whereas, Interstate Highway 5 has been designated the NAFTA corridor, even though most of the trucks engaged in international trade and commerce travel on State Highway Route 99; and

Whereas, truck cargo volumes on State Highway Route 99 exceed those on Interstate Highway 5 and are among the highest in the entire nation, and this is the only segment of the federal highway system with this level of traffic not in the interstate highway system; and

Whereas, any effort to reduce truck congestion and other traffic congestion contributes to the reduction of air pollution, which is critically needed in the Central Valley; and

Whereas, tourists to national parks adjacent to the Central Valley generally travel State Highway Route 99 although families prefer to travel to their designations along interstate highways that are known to be twice as safe as other highways, and tourism would be enhanced if State Highway Route 99 is upgraded to an interstate highway; and

Whereas, the Central Valley is the most rapidly growing part of California, and one of the most rapidly growing areas of the nation, and future demand will make all of the arguments for upgrading State Highway Route 99 even more urgent: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, that the Legislature of the State of California hereby respectfully memorializes the President and the Congress of the United States to enact legislation to include State Highway Route 99 in the interstate highway system only when the following actions take place:

(a) The President or Congress requests and is granted an exemption for State Highway Route 99 from all federal interstate requirements or that the state be exempted from financing any costs to upgrade the highway pursuant to those requirements.

(b) The current $16.1 million from the Traffic Congestion Relief Program designated for State Highway Route 99, which is currently contingent upon proceeds that would result from the Governor reaching pacts with tribal gaming interests, are expended on State Highway Route 99.

(c) State Highway Route 99 is granted a historic designation of ''Historic Route 99''; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–22. A Joint Resolution adopted by the Assembly of the State of California relative to Equal Pay Day; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 66

Whereas, forty-one years after the passage of the Federal Equal Pay Act and Title VII of the Federal Civil Rights Act of 1964, American women continue to suffer disparities in wages that cannot be accounted for by age, education, or work experience; and

Whereas, according to the United States Census Bureau, in 2002, American women working full-time year-round earned on average 76.6 cents for every dollar earned by full-time working American men; and

Whereas, a General Accounting Office report on women's earnings show that there exists an inexplicable wage gap of approximately 20 percent, even after taking into account work experience, education, occupation, industry of current employment, and other demographic and job characteristics; and

Whereas, in the 41 years since the Equal Pay Act, the gap has narrowed by less than half, from 41 cents per dollar to 22 cents, and research by the Institute for Women's Policy Research finds that recent change is due large in part to men's real wages falling, not women's wages rising; and

Whereas, California ranks fifth among all states in equal pay, yet it ranks 39th among all states in progress in closing the hourly wage gap, and at the current rate of change California working women will not have equal pay for another 40 years; and

Whereas, the consequences of the wage gap reach beyond working women and extend to their families and the economy, to the extent that, in 1999, even after accounting for differences in education, age, location, and the number of hours worked, America's working families lost $200 billion of annual income to the wage gap, with an average of $4,000 per family; and

Whereas, women play a crucial role in maintaining the financial well-being of their families by providing a significant percentage of their household incomes and, in many cases, women head their own households; and

Whereas, pay inequity results in a higher poverty rate for women, particularly in women-headed households, as evidenced by figures from the McAuley Institute which indicate that for families that are headed by a woman and have children under the age of five years, the poverty rate is an astonishing 46.4 percent; and

Whereas, women currently account for 47 percent of the labor force, and by 2005 are expected to comprise 48 percent of the labor force; and

Whereas, educated women are not exempt from pay disparity; and

Whereas, in 2001 the median weekly earnings of female full-time workers with a college degree was 72.5 percent of their male counterparts; and

Whereas, according to the United States Census Bureau March 2002 Current Population Survey, women with a master's degree on average earn less than men with a bachelor's degree; and

Whereas, the wage gap is even wider for women of color, as evidenced by a 2001 statistic that reported that African-American women earned 69 percent and Hispanic women earned 56 percent of average white male earnings; and

Whereas, the wage gap is also prevalent within minority communities, as shown by a 2002 report that African-American women earned 91 percent of what African-American men earned, and Hispanic women earned 88 percent of what Hispanic men earned; and

Whereas, even in professions in which women comprise a majority of workers, such as nursing and teaching, men earn an average of 20 percent more than women working in these same occupations; and

Whereas, according to the data analysis of over 300 jobs classifications provided by the United States Department of Labor, Bureau of Labor Statistics, women are paid less in every occupational classification for which sufficient information is available; and

Whereas, the wage gap continues to affect women in their senior years as lower wages result in lower pensions and incomes after retirement, and affect a women's ability to save, thereby contributing to a higher poverty rate for elderly women; and

Whereas, the average 25-year-old woman who works full-time, year-round, is projected to earn $523,000 less over the course of her career than the average 25-year-old man who works full-time year-round; and

Whereas, if women were paid the same as men who work the same number of hours, have the same education and same union status, are the same age, and live in the same region of the country, then the annual family income of each of these women would rise by $4,000, and the number of families who live below the poverty line would be reduced by half: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature hereby declares April 20, 2004, to be ''Equal Pay Day'' in California and urges California citizens to recognize the full value and worth of women and their contributions to the California workforce; and be it further

Resolved, That the Legislature respectfully urges the Congress of the United States to protect the fundamental right of all American women to receive equal pay for equal work, and to continue to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–23. A Joint Resolution adopted by the Assembly of the State of California relative to hybrid electric vehicles; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY JOINT RESOLUTION NO. 74

Whereas, the price for gasoline has reached record levels in California, climbing to an all-time high in Los Angeles and the bay area, and potentially rising even higher during the summer; and

Whereas, increasing gasoline prices can have a negative impact on California's economy because rising oil prices drive up the average cost of production of goods and services throughout the economy and reduce the real income of consumers through higher fuel prices; and

Whereas, California is susceptible to chronic price spikes in gasoline due to tight supplies of refined gasoline and a lack of competition among the companies that produce and sell gasoline; and

Whereas, California's demand for petroleum transportation fuels will continue to grow, and is expected to increase by 50 percent in the next 20 years, as the number of registered vehicles in California increases to 31.5 million by the year 2020; and

Whereas, California's refining capacity has not been able to keep up with the growing demand for transportation fuels and is increasingly dependent on the importation of foreign crude oil, much of which comes from politically unstable regions of the world; and

Whereas, this growing dependence on oil from unstable regions makes the state's economy more vulnerable to external disruptions and volatile fuel prices; and

Whereas, increasing use of petroleum fuels results in additional climate change emissions including carbon dioxide, and global climate change is projected to cause environmental and economic damage to California; and

Whereas, increasing use of gasoline causes a decline in air quality, thereby adversely affecting public health; and

Whereas, the world supply of petroleum is expected to fall short of demand after the year 2020, causing the price of petroleum products to increase significantly; and

Whereas, on-road fuel economy of cars and light-duty trucks has remained relatively constant since 1985, and has actually decreased in years as consumers purchase greater percentages of sport utility vehicles; and

Whereas, most technological improvements to engines and vehicles have been used to increase performance and overcome gains in weight, rather than to improve fuel economy; and

Whereas, Californians would consume 30 percent less gasoline by 2020 if fuel efficiency in new model light-duty vehicles were doubled to at least 40 miles per gallon, and that reduction in gasoline consumption would result in increased air quality throughout the state as well as a reduction in the state's dependency on foreign sources of petroleum; and

Whereas, hybrid electric drive train technology can significantly increase vehicle fuel efficiency and, simultaneously, greatly reduce a vehicle's smog-forming emissions; and

Whereas, several vehicle models, using hybrid electric drive train technology that achieves at least 45 miles per gallon and as much as 70 miles per gallon fuel efficiency ratings, are readily available to consumers in California; and

Whereas, Californians would greatly reduce their gasoline dependence, improve their own economic condition, and significantly better the environment and public health if they were to embrace the use of hybrid electric vehicles that achieve at least 45 miles per gallon ratings; and

Whereas, the primary purpose of High Occupancy Vehicle (HOV) lanes is to relieve traffic congestion by offering persons who carpool an easier commute; and

Whereas, in many instances, California's HOV lanes have excess capacity that could allow them to accommodate single-occupant hybrid electric vehicles temporarily, without degrading the HOV lanes' traffic flow or diminishing their attractiveness to carpools: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and the Congress of the United States of America are urged to take legislative action to allow single-occupant hybrid electric vehicles that achieve a fuel economy highway rating of at least 45 miles per gallon, and conform to any additional emissions category of the federal Environmental Protection Agency or the California Air Resources Board, or meet any other requirements identified by the responsible agency, to travel in California's High Occupancy Vehicle (HOV) lanes; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–24. A resolution adopted by the Mayor and City Council of Atlanta, Georgia relative to the denunciation of the actions of the Janjaweed in Sudan and urging the Sudanese government to cut its ties to the Militia responsible and demand that they disarm immediately; and for other purposes; to the Committee on Foreign Relations.

POM–25. A resolution adopted by the Board of Commissioners of Ferry County, State of Washington, relative to supporting county custom, culture, and heritage in decision making on federal lands in Ferry County, State of Washington; to the Committee on Energy and Natural Resources.

POM–26. A resolution adopted by the Fleet Reserve Association, Latte Stone Branch 73, Young Men's League of Guam relative to Petitions from the People of Guam in Support of the Findings and Recommendations of the War Claims Review Commission; to the Committee on Energy and Natural Resources.

POM–27. A resolution adopted by the Mayor and City Council of Atlanta, Georgia relative to supporting the District of Columbia's right to have its elected Representative have full voting rights in the United States House of Representatives and for other purposes; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH (for Mr. SPECTER), from the Committee on the Judiciary, with amendments:

S. 256. A bill to amend title 11 of the United States Code, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Buddie J. Penn, of Virginia, to be an Assistant Secretary of the Navy.

Air Force nominations beginning with Brigadier General Mark W. Anderson and ending with Colonel Carl M. Skinner, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2005.

Army nomination of Maj. Gen. Karl W. Eikenberry to be Lieutenant General.

Marine Corps nominations beginning with Brigadier General Thomas A. Benes and ending with Brigadier General Richard C. Zilmer, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Colonel George J. Allen and ending with Colonel John E. Wissler, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Navy nomination of Adm. William J. Fallon to be Admiral.

Navy nomination of Vice Adm. Robert F. Willard to be Admiral.

Navy nomination of Adm. John B. Nathman to be Admiral.

Navy nomination of Rear Adm. Terrance T. Etnyre to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Thomas S. Hoffman to be Lieutenant Colonel.

Air Force nominations beginning with Herbert L. Allen, Jr. and ending with Dale A. Jackman, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Air Force nomination of Leslie G. Macrae to be Lieutenant Colonel.

Air Force nomination of Omar Billigue to be Major.

Air Force nominations beginning with Corbert K. Ellison and ending with Gisella Y. Velez, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Air Force nomination of Gretchen M. Adams to be Major.

Air Force nomination of Michael D. Shirley, Jr. to be Colonel.

Air Force nominations beginning with Gerald J. Huerta and ending with Anthony T. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Air Force nomination of Michael F. Lamb to be Major.

Air Force nominations beginning with Dean J. Cutillar and ending with An Zhu, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Air Force nomination of James D. Shaffer to be Colonel.

Air Force nominations beginning with Thomas William Acton and ending with Debra S. Zelenak, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2005.

Air Force nominations beginning with Barbara S. Black and ending with Vincent T. Jones, which nominations were received by the Senate and appeared in the Congressional Record on February 8 , 2005.

Air Force nomination of Glenn T. Lunsford to be Colonel.

Air Force nomination of Frederick E. Jackson to be Colonel.

Air Force nominations beginning with Robert G. Pate and ending with Dwayne A. Stich, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nomination of Kelly E. Nation to be Captain.

Air Force nominations beginning with Lourdes J. Almonte and ending with Robert J. Weisenberger, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Brian F. Agee and ending with Lun S. Yan, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Michelle D. Allenmccoy and ending with Erin Bree Wirtanen, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with James R. Abbott and ending with An Zhu, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Joseph B. Anderson and ending with Kondi Wong, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Jeffery F. Baker and ending with David L. Wells, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Corey R. Anderson and ending with Ethan J. Yoza, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Janice M. Allison and ending with Danny K. Wong, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nomination of Eloise M. Fuller to be Colonel.

Army nomination of Robert A. Lovett to be Colonel.

Army nomination of Martin Poffenberger, Jr. to be Lieutenant Colonel.

Army nomination of Timothy D. Mitchell, Jr. to be Lieutenant Colonel.

Army nominations beginning with William F. Bither and ending with Paul J. Ramsey, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nomination of William R. Laurence, Jr. to be Colonel.

Army nominations beginning with Megan K. Mills and ending with Maria A. Worley, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Timothy K. Adams and ending with John L. Poppe, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Joseph W. Burckel and ending with Frank J. Miskena, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nomination of Frank J. Miskena to be Colonel.

Army nominations beginning with Rosa L. Hollisbird and ending with Beth A. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Bruce A. Mulkey and ending with Jerome F. Stolinski, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nomination of Matthew R. Segal to be Colonel.

Army nominations beginning with Casanova C. Ochoa and ending with Charles R. Platt, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Kenneth R. Greene and ending with William F. Roy, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with James E. Ferrando and ending with Terry R. Sopher, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Billy J. Blankenship and ending with William J. Oneill, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Mark E. Coers and ending with Richard A. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Jeffrey T. Altdorfer and ending with Joseph E. Rooney, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with David C. Barnhill and ending with Kenneth B. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nomination of David B. Enyeart to be Colonel.

Army nomination of David A. Greenwood to be Colonel.

Army nomination of Sandra W. Dittig to be Colonel.

Army nomination of John M. Owings, Jr. to be Colonel.

Army nomination of Daniel J. Butler to be Colonel.

Army nominations beginning with Scott W. Arnold and ending with Keith C. Well, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Paul T. Bartone and ending with Jeffrey P. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Cynthia A. Chavez and ending with Jaclynn A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Francis B. Ausband and ending with Scott A. Wright, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Loretta A. Adams and ending with Clark H. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Robert D. Akerson and ending with Beth A. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Priscilla A. Berry and ending with Catherine E. Wright, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with George A. Abbott and ending with Donald R. Zoufal, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Jan E. Aldykiewicz and ending with Robert A. Yoh, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Jason G. Adkinson and ending with James B. Zientek, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Marine Corps nominations beginning with Jorge E. Cristobal and ending with Donald Q. Fincham, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Ronald C. Constance and ending with Joel F. Jones, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nomination of Frederick D. Hyden to be Lieutenant Colonel.

Marine Corps nomination of Kathy L. Velez to be Lieutenant Colonel.

Marine Corps nomination of John R. Barclay to be Major.

Marine Corps nominations beginning with Matthew J. Caffrey and ending with William R. Tiffany, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Jeff R. Bailey and ending with Julio R. Pirir, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Jacob D. Leighty III and ending with John G. Oliver, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Steven M. Dotson and ending with Calvin W. Smith, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with William H. Barlow and ending with Danny R. Morales, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Andrew E. Gepp and ending with William B. Smith, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with William A. Burwell and ending with William J. Wadley, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with Kenrick G. Fowler and ending with Steven E. Sprout, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with James P. Miller, Jr. and ending with Marc Tarter, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nomination of David G. Boone to be Major.

Marine Corps nomination of Michael A. Lujan to be Major.

Marine Corps nominations beginning with Michael A. Mink and ending with Louann Rickley, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Marine Corps nominations beginning with John T. Curran and ending with Thomas J. Johnson, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Navy nomination of Steven P. Davito to be Captain.

Navy nomination of Edward S. Wagner, Jr. to be Commander.

Navy nominations beginning with Samuel Adams and ending with Randy J. Vanrossum, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Navy nominations beginning with Jason K. Brandt and ending with Ronald L. Withrow, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. LEVIN:

S. 413. A bill to amend the definition of disaster, for purposes of section 7(b)(2) of the Small Business Act, to include below average water levels in the Great Lakes; to the Committee on Small Business and Entrepreneurship.

By Mr. McCONNELL (for himself and Mr. BOND):

S. 414. A bill to amend the Help America Vote Act of 2002 to protect the right of Americans to vote through the prevention of voter fraud, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER:

S. 415. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Finance.

By Mr. LEVIN:

S. 416. A bill to establish a pilot program to provide low interest loans to nonprofit, community-based lending intermediaries, to provide midsize loans to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DORGAN (for himself and Mr. SHELBY):

S. 417. A bill to amend the Internal Revenue Code of 1986 to provide for a refundable wage differential credit for activated military reservists; to the Committee on Finance.

By Mr. ENZI (for himself, Mrs. CLINTON, Mr. HAGEL, and Mr. SCHUMER):

S. 418. A bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KYL:

S. 419. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction; to the Committee on Finance.

By Mr. KYL (for himself, Mr. NELSON of Florida, Mr. ALLARD, Mr. ALLEN, Mr. BURNS, Mr. INHOFE, Mr. TALENT, and Mr. THUNE):

S. 420. A bill to make the repeal of the estate tax permanent; to the Committee on Finance.

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

S. 421. A bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 422. A bill to amend the Internal Revenue Code of 1986 to restore equity and complete the transfer of motor fuel excise taxes attributable to motorboat and small engine fuels into the Aquatic Resources Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. SANTORUM (for himself and Ms. LANDRIEU):

S. 423. A bill to amend title 38, United States Code, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program; to the Committee on Veterans' Affairs.

By Mr. BOND (for himself, Mr. KENNEDY, Mr. TALENT, Mr. JOHNSON, and Mr. ISAKSON):

S. 424. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:

S. 425. A bill to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Vermont; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself, Ms. CANTWELL, and Mr. KENNEDY):

S. 426. A bill to enhance national security by improving the reliability of the United States electricity transmission grid, to ensure efficient, reliable and affordable energy to American consumers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Ms. SNOWE, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. KENNEDY, Mr. REED, Mr. KERRY, Mr. DODD, Mrs. BOXER, and Mr. LAUTENBERG):

S. 427. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for a Federal renewable portfolio standard; to the Committee on Energy and Natural Resources.

By Mr. TALENT (for himself, Mr. WYDEN, Mr. ALLEN, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DAYTON, Mrs. DOLE, Mr. GRAHAM, and Mr. VITTER):

S. 428. A bill to provide $30,000,000,000 in new transportation infrastructure funding in addition to TEA-21 levels through bonding to empower States and local governments to complete significant long-term capital improvement projects for highways, public transportation systems, and rail systems, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KENNEDY, and Mr. KERRY):

S. 429. A bill to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 430. A bill to arrest methamphetamine abuse in the United States; to the Committee on the Judiciary.

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 431. A bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; to the Committee on Energy and Natural Resources.

By Mr. ALLEN (for himself, Mr. TALENT, Mr. GRAHAM, Mr. MCCAIN, Mr. LOTT, Mr. WARNER, Mr. GRASSLEY, and Mr. THUNE):

S. 432. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLEN:

S. 433. A bill to require the Secretary of Homeland Security to develop and implement standards for the operation of non-scheduled, commercial air carrier (air charter) and general aviation operations at Ronald Reagan Washington National Airport; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 434. A bill to direct the Secretary of Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 435. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 436. A bill to require the Secretary of Energy to assess the economic implications of the dependence of the State of Hawaii on oil as the principal source of energy for the State; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 437. A bill to expedite review of the Grand River Band of Ottawa Indians of Michigan to secure a timely and just determination of whether that group is entitled to recognition as a Federal Indian tribe; to the Committee on Indian Affairs.

By Mr. ENSIGN (for himself, Mrs. LINCOLN, Mr. HAGEL, Mrs. MURRAY, Mr. BINGAMAN, Mr. CORZINE, Mr. JOHNSON, Ms. COLLINS, and Mr. HATCH):

S. 438. A bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

By Mrs. BOXER (for herself and Mr. JEFFORDS):

S. 439. A bill to amend the Solid Waste Disposal Act to provide for secondary containment to prevent methyl tertiary butyl ether and petroleum contamination; to the Committee on Environment and Public Works.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 440. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians' services under the medicaid program; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. NELSON of Florida, Mr. KYL, Mr. ALLEN, Mr. BUNNING, Mrs. DOLE, and Mr. CHAMBLISS):

S. 441. A bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex; to the Committee on Finance.

By Mr. DEWINE:

S. 442. A bill to provide for the Secretary of Homeland Security to be included in the line of Presidential succession; to the Committee on Rules and Administration.

By Mr. DEWINE (for himself, Mr. KOHL, and Mr. LEAHY):

S. 443. A bill to improve the investigation of criminal antitrust offenses; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 444. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. CARPER, Mr. KENNEDY, Mr. SCHUMER, Mr. BINGAMAN, and Mr. JOHNSON):

S. 445. A resolution to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs; to the Committee on Finance.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 446. A bill to direct the Director of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 447. A bill to authorize the conveyance of certain Federal land in the State of New Mexico; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, and Mrs. MURRAY):

S. 448. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Elizabeth Wanamaker Peratrovich and Roy Peratrovich in recognition of their outstanding and enduring contributions to the civil rights and dignity of the Native peoples of Alaska and the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI:

S. 449. A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes; to the Committee on Indian Affairs.

By Mrs. CLINTON (for herself, Mrs. BOXER, Mr. KERRY, Mr. LAUTENBERG, and Ms. MIKULSKI):

S. 450. A bill to amend the Help America Vote Act of 2002 to require a voter-verified paper record, to improve provisional balloting, to impose additional requirements under such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. AKAKA:

S. 451. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CORZINE:

S. 452. A bill to provide for the establishment of national and global tsunami warning systems and to provide assistance for the relief and rehabilitation of victims of the Indian Ocean tsunami and for the reconstruction of tsunami-affected countries; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself, Mr. KOHL, Mr. LUGAR, Mrs. CLINTON, Mr. BROWNBACK, Mr. LAUTENBERG, and Mr. FEINGOLD):

S. 453. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2008 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Finance.

By Mr. PRYOR:

S. 454. A bill to release to the State of Arkansas a reversionary interest in Camp Joseph T. Robinson; to the Committee on Armed Services.

By Mr. COLEMAN (for himself and Mr. BINGAMAN):

S. 455. A bill to amend the Mutual Educational and Cultural Exchange Act of 1961 to facilitate United States openness to international students, scholars, scientists, and exchange visitors, and for other purposes; to the Committee on Foreign Relations.

By Mr. SMITH (for himself, Mr. JEFFORDS, Mr. CHAFEE, Mr. ROCKEFELLER, and Ms. COLLINS):

S. 456. A bill to amend part A of title IV of the Social Security Act to permit a State to receive credit towards the work requirements under the temporary assistance for needy families program for recipients who are determined by appropriate agencies working in coordination to have a disability and to be in need of specialized activities; to the Committee on Finance.

By Mr. CORNYN (for himself and Mr. CHAMBLISS):

S.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States to ensure continuity of congressional operations and the avoidance of martial law in the event of mass incapacitations or death in either House of Congress; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST (for himself, Mr. BYRD, Mr. REID, Mr. ALEXANDER, Mr. COCHRAN, Mr. STEVENS, Mr. DOMENICI, Mr. HATCH, Mr. WARNER, and Mr. LUGAR):

S. Res. 58. A resolution commending the Honorable Howard Henry Baker, Jr., formerly a Senator of Tennessee, for a lifetime of distinguished service; considered and agreed to.

By Mr. SMITH (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. KYL, Mr. CHAMBLISS, Mr. ENSIGN, and Mr. SHELBY):

S. Res. 59. A resolution urging the European Union to maintain its arms export embargo on the People's Republic of China; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. LUGAR, and Mr. BIDEN):

S. Res. 60. A resolution supporting democratic reform in Moldova and urging the Government of Moldova to ensure a democratic and fair election process for the March 6, 2005, parliamentary elections; considered and agreed to.

By Mr. INHOFE:

S. Res. 61. A resolution recognizing the National Ready Mixed Concrete Association on its 75th anniversary and its members' vital contributions to the infrastructure of the United States; considered and agreed to.

By Mr. DURBIN (for himself, Mr. OBAMA, Mr. STEVENS, and Mr. FEINGOLD):

S. Res. 62. A resolution supporting the goals and ideals of a ''Rotary International Day'' and celebrating and honoring Rotary International on the occasion of its centennial anniversary; considered and agreed to.

By Mr. REID (for Mr. BIDEN (for himself, Mr. LUGAR, Mr. REID, Mr. FRIST, Mr. LEVIN, Mr. DODD, Mr. CORZINE, Mr. ALLEN, and Mr. CHAFEE)):

S. Res. 63. A resolution calling for an investigation into the assassination of Prime Minister Rafiq Hariri and urging steps to pressure the Government of Syria to withdraw from Lebanon; considered and agreed to.

By Mr. JEFFORDS (for himself, Ms. SNOWE, Mr. SARBANES, Mr. LIEBERMAN, Mr. LEAHY, Mr. DAYTON, Mr. LAUTENBERG, and Ms. COLLINS):

S. Res. 64. A resolution expressing the sense of the Senate that the United States should prepare a comprehensive strategy for advancing and entering into international negotiations on a binding agreement that would swiftly reduce global mercury use and pollution to levels sufficient to protect public health and the environment; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself and Mr. MCCONNELL):

S. Res. 65. A resolution calling for the Government of Cambodia to release Cheam Channy from prison, and for other purposes; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself and Mr. BIDEN):

S. Res. 66. A resolution urging the Government of the Kyrgyz Republic to ensure a democratic, transparent, and fair process for the parliamentary elections scheduled for February 27, 2005; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. BURNS, Mr. BAYH, Mr. CHAMBLISS, Mr. SMITH, and Mr. DURBIN):

S. Con. Res. 14. A concurrent resolution expressing the sense of Congress that the continued participation of the Russian Federation in the Group of 8 nations should be conditioned on the Russian Government voluntarily accepting and adhering to the norms and standards of democracy; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 77

At the request of Mr. SESSIONS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor 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. 132

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 141

At the request of Mr. JEFFORDS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 141, a bill to amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program.

S. 177

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. SALAZAR) 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. 183

At the request of Mr. GRASSLEY, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 183, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 193

At the request of Mr. BROWNBACK, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 193, a bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 239

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KENNEDY) 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 names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 265, a bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

S. 288

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 288, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 291

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 291, a bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

S. 306

At the request of Mr. KERRY, his name 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.

S. 311

At the request of Mr. SMITH, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of 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.

S. 314

At the request of Mrs. FEINSTEIN, her name was withdrawn as a cosponsor of 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.

S. 319

At the request of Mr. DOMENICI, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of 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.

S. 340

At the request of Mr. LUGAR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 358

At the request of Mr. DURBIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 358, a bill to maintain and expand the steel import licensing and monitoring program.

S. 382

At the request of Mr. ENSIGN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 385

At the request of Mr. GRASSLEY, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 385, a bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits.

S. 386

At the request of Mr. HAGEL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 386, a bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes.

S. 397

At the request of Mr. ALLEN, his name was added as a cosponsor of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

At the request of Mr. CRAIG, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 397, supra.

S. 406

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 406, a bill to amend title I of the Employee Retirement Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S.J. RES. 4

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S.J. Res. 4, a joint resolution providing for congressional disapproval of the rule submitted by the Department of Agriculture under chapter 8 of title 5, United States Code, relating to risk zones for introduction of bovine spongiform encephalopathy.

S. RES. 39

At the request of Ms. LANDRIEU, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Colorado (Mr. SALAZAR), the Senator from Louisiana (Mr. VITTER), the Senator from Illinois (Mr. OBAMA), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 44

At the request of Mr. ALEXANDER, the names of the Senator from Virginia (Mr. ALLEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Nebraska (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 44, a resolution celebrating Black History Month.

S. RES. 56

At the request of Mr. SPECTER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 56, a resolution designating the month of March as Deep-Vein Thrombosis Awareness Month, in memory of journalist David Bloom.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself and Mr. BOND):

S. 414. A bill to amend the Help America Vote Act of 2002 to protect the

right of Americans to vote through the prevention of voter fraud, and for other purposes; to the Committee on Rules and Administration.

Mr. MCCONNELL. Mr. President, I rise today to introduce the Voter Protection Act of 2005, and I am pleased to be joined again by my good friend from Missouri, Senator BOND. I also acknowledge the deep interest and expertise of the occupant of the chair in this important subject of how we have increasingly honest elections in our country.

In the wake of the 2000 election, as chairman of the Rules and Administration Committee, and then its ranking member, Senators BOND, DODD, and I worked together to address the problems brought to light in the 2000 elections. In January of 2001, I introduced the first of what would become several election reform bills. Nearly 2 years later, all the hard work and long hours paid off with the President of the United States signing the Help America Vote Act of 2002, commonly referred to as HAVA.

This legislation passed with near unanimous support in both Chambers. HAVA set forth several minimum standards for States to meet and was coupled with a new Election Assistance Commission to provide advice and distribute $3 billion to date. The goal was and is to make it easier to vote and harder to cheat.

The 2004 elections were the first conducted under HAVA. There are reports of many successes attributable to HAVA, including a new Cal-Tech/MIT study, which found a decrease in the residual vote rate, or ballots that did not record a vote for President. Further, there were new requirements for identification while registering or, at the polls, new voting technology, statewide databases, and a broad Federal requirement for the casting of provisional ballots.

HAVA was a tremendous success, but all of the cosponsors were careful to avoid a complete Federal takeover of elections. As was stated by prominent election expert Doug Lewis, after conducting elections for over 200 years, State and local officials didn't become stupid in just one election. Throughout the bill, we remained respectful of the States rights and left methods of implementation to the discretion of States.

Today, we bring before this body a new piece of legislation which builds upon the successes of HAVA and clarifies some of the misinterpretations that occurred in the last election. This bill provides State and local officials more tools to ensure every eligible voter casts their vote, but make sure it is counted only once.

First, the most important part of this election process is an accurate and secure registration list. This legislation clarifies several provisions related to ensuring that those who register are legally entitled to do so, do so only once, and in only one State. Further, we address the problem brought about by voter registration drives which dumped impossible numbers of new registrations on the last day of registration. The bill ensures that only real-life, eligible Mary Poppins registers to vote.

Second, the process of actually casting a ballot is sacred to all Americans. The legislation will ensure accurate poll lists and photo identification at the polls, and will reaffirm HAVA's goal of permitting State law to govern counting provisional ballots.

Further, for absentee ballots, having them returned by election day and requiring authentication of their request is critical. Thus, if a real, eligible, registered Mary Poppins goes to the polls, she can show identification and vote—but just once.

Third, grant money will be available to pay for photo identification for those who don't have one or cannot afford one. The Election Assistance Commission will conduct a pilot program for the use of indelible ink at the polls, reminiscent of the Iraqi elections on January 30. We were all moved by the picture we saw from the Iraqi elections of voters proudly showing their ink-sustained fingers. Aside from being an act of national pride, it was also an act to ensure that all those who voted did so only once.

Lastly, the 2004 elections saw new tactics which must be addressed by new criminal penalties for buying and conspiring to buy voter registrations. Further, the destruction or damaging of property with intent to impede voting is something that must be prosecuted.

Again, I am proud to have been the Senate Republican sponsor of the Help America Vote Act of 2002 and believe it has and will continue to improve the conduct of elections in this country. But much more needs to be done. The Voter Protection Act of 2005 builds upon that important piece of legislation to combat voter fraud and ensure the integrity of the entire election process.

I know Senator BOND, a cosponsor, is on the way to the floor. I commend him for his important contribution to HAVA. I repeat my earlier comments about the occupant of the chair and his expertise and interest in this issue. We look forward to working with both of them to advance a piece of legislation for America that would make it easier to vote and harder to cheat.

I yield the floor.

Mr. BOND. Mr. President, I rise today to join with my colleague Senator MCCONNELL in introducing the Voter Protection Act of 2005. This legislation builds upon the progress made by the Help America Vote Act toward our goal of making it easier to vote and harder to cheat, while addressing some additional issues that came to light during the previous election.

This legislation will clarify the intent of our previous bill and try to alleviate some of the administrative burdens and misguided policies placed on dedicated, hard-working election workers by previous congressional intrusions into the State functioning of running elections.

Make no mistake about it, record numbers of Americans went to the polls in 2004. The overwhelming number of Americans were greeted by informed, dedicated, and properly trained election workers and were able to cast their ballot in a timely manner and in a secure environment. In Missouri, my home State, the elections were extremely well run. Large numbers of voters were accommodated at the polls in a timely fashion, and very few questions have been raised about administration or integrity.

I believe our recent enactment of HAVA, the Help American Vote Act, helped make it easier for States and localities to administer their elections.

I might add that once again Missouri voters voted on punch cards. Contrary to the bogeyman of hanging chads and other problems we heard about in the past, punch cards have served the voters of Missouri well, proving that trained poll workers, coupled with informed voters, can participate in clean and fair elections using punchcard voting machines.

I live in Audrain County, MO, which is a rural county with a wide diversity. It is very average and representative, although I think it is an outstanding county. I asked the county clerk: How many problems have you had with these punchcard voters? We have the whole range of voters, a very wide diversity. She told me in her memory and the memory of those in the county clerk's office, they had never had a single problem with hanging chads or punchcard machines.

Some people are saying the Help America Vote Act required getting rid of punchcard machines. It did not do that. Let's be clear, that is not required by the Help America Vote Act.

The smoothness leading up to the elections in Missouri was not the case everywhere. I continue to have concerns about the registration process and voter registration lists. Election officials are still laboring under an unnecessarily burdensome system heaped upon them by the motor voter bill. Motor voter required States to accept anonymous mail registration cards without supporting documents and voter registration cards from election drives. Motor voter prohibited authentication of registrations, making it extremely difficult for names to be removed from voter rolls, such as Mickey Mouse, the deceased, or those who had left the State years before. That is why

to many of us, motor voter had become auto-fraudo, and we took steps in the Help America Vote Act to change that.

The evidence is still overwhelming that this poor policy continues to result in tremendous administrative burdens on our election officials, with registration lists being bloated and inaccurate but limited recourse for election officials to address the situation. All this makes it more difficult to run clean, fair, and accurate elections.

The Help America Vote Act required minimum identification for first-time voters who take advantage of the mail-in voter registration procedures. While the law is clear, some States chose to find ways around this reasonable requirement. This bill makes it clear that voters who do not register before a government official in person will have to provide the ID requirement. We heard reports of partisan election workers who brought in bundles of voter registration cards, and when they told the governmental election officials they had seen the voter ID, those cards were accepted. Anybody who would accept that ought to be buying the 14th Street bridge. To say somebody who is not a government official and is partisan is going to fulfill the governmental requirements is a stretch too far.

Furthermore, in some Federal elections, I think it is past time to go to a full ID provision. So this legislation requires voters in Federal elections to present identification at the polls while creating a program to ensure that all voters have access to an ID if they cannot afford one.

We now ask our citizens to provide a photo ID for so many tasks of everyday life. To provide it once more for election officials on election day seems a small request in order to help ensure our elections are fair and accurate.

If a person does not have a photo ID and cannot afford to procure one, our bill provides the requirement and the resources to ensure that one is provided.

Let's make sure every legal vote gets counted, and only the legal votes and only one vote per person, only one vote per human. No dogs, please.

The practice of dropping off registration cards in bulk at the registration deadline continues. It is proving to be a huge burden on election officials. The practice of submitting cards for fictitious people, deceased, and ineligible voters is alive and well, so to speak.

Also, a troubling practice by some voter registration groups has come to light—registrations not being delivered to the election authorities. Whether intentional, through oversight or neglect, this is simply unacceptable. Would-be voters place their faith in those conducting registration drives, and the States accept the registration drives will be conducted on the level. Sloppy practices can only result in people being denied the right to vote. So there must be oversight.

This legislation will bring some accountability to voter registration drives while relieving some of the burdens on election authorities by mass dumping of registrations.

I call on our law enforcement officials, the Department of Justice, and our U.S. attorneys to review the process and look at those areas where fraud has been suggested to find out if it is prosecutable, if Federal criminal procedure is required and warranted. I can tell you that we will pass all the laws in the world, but until we see some voter fraud proponents going to jail, spending time in the cells, we are not going to have the effect this bill and our previous bill anticipated.

We need to clean up the registration process by permitting States to use Social Security numbers. I think this bill brings some sense to voter rules by clarifying the provision in motor voter for name removal. The bill also includes a provision for dealing in a reasonable manner with registration cards that are incomplete.

We found in the past, if you did not specifically indicate you were a U.S. citizen, the courts refused to prosecute those knowing they were not eligible to vote because they were not citizens; they could not be prosecuted. Now there is a specific requirement that you indicate you are a U.S. citizen, eligible to vote. If you do not do that, the card should not be accepted, and if you falsely certify you are a U.S. citizen, you ought to be prosecuted.

As we expressed throughout the debates on Help America Vote Act, minimum standard requirements for elections are to be implemented by the State. On provisional voting, the language is explicit. Questions on the implementation of provisional balloting are for State legislators and election officials to decide. But as is too often the case in this country, what cannot be achieved through legislation will be pursued in the courtroom. Some 65 lawsuits were pursued to overturn decisions to preserve the precinct system used at the State level. This was a conscious effort to screw up the elections. Fortunately, the courts got it right. They overruled them 65 times. But there will be more litigation. Therefore, this legislation clarifies further the clear language of HAVA that the decision on the precinct system and decision on the proper polling place for voters is a State question.

The goal of the lawsuits, as I said, seemed to introduce complete chaos which would have ensued were voters allowed simply to vote anywhere they wanted. Additionally, those voters would not have been able to vote in local elections and balloting initiatives. The purpose of the suits did not make sense, but they were filed anyhow. The arguments for throwing out State law made less sense. It is simply the height of illogic to argue on one hand that States should permissively allow voters to cast ballots from anywhere in the State they chose, only to complain later that the number of election machines at a polling place was inadequate.

Many people lodging this complaint also complained it rained on election day. Sorry, we cannot change that by law. So their concerns must be evaluated accordingly. Among other things, the precinct system allows election officials to plan for election day, assign voters to voting places in manageable numbers, and dispatch the proper level of resources.

Once again, after election day, the newspapers were filled with stories pointing out irregularities on election day. The election day problems have grown out of bloated and inaccurate voting lists and sloppy registration procedures. The stories clearly establish that sloppy laws, poor lists, and chaos at the polls invite efforts to cheat on election day. That is unacceptable to voters and to candidates and people who depend upon a free, fair system of democracy. If a voter has his or her vote canceled by a vote that should never have been cast, whether cast by fraud or ineligible voter, he or she has lost the civil right to be heard and to have the vote counted. It is a disenfranchisement of the voter. It also is a grave offense to the candidates who spend countless amounts of their time and their supporters' resources on elections.

Our goal should be elections that are free of suspicion, doubt, and cynicism about the results. There are steps that remain to be taken to ensure that elections are conducted in a sound and secure manner so that the integrity of the ballot box remains beyond doubt. These simple steps will begin to clean up the mess created in the registration process, while taking away the remains of enticements to game the system.

I look forward to the debate on the floor about these reasonable measures. I commend our deputy majority leader for his work on this effort, and look forward to discussing this and pursuing it with our colleagues.

Mr. President, I yield the floor.

Mr. McCONNELL. Mr. President, if I can very briefly say to my good friend and colleague from Missouri, it is a pleasure to team up with him once again in our pursuit of better elections in this country and to report to him on the prosecution front there actually was a conviction. I know the occupant of the Chair is interested in this as well. There actually was a conviction in my State for vote fraud—two of them—over the last 6 months. We will see whether that has an impact on habits of many decades that exist in my State and I know in several parts of the State of Missouri as well.

I congratulate the Senator for his statement.

Mr. DAYTON. Mr. President, I salute my two colleagues, Senator MCCONNELL and Senator BOND, for their leadership in this very important area, along with Senator DODD. They spearheaded the improvements that were made to our election, registration, and voting procedures in the aftermath of the 2000 election difficulties. Clearly, the experience over last November's election shows that we have more work before us that has to be bipartisan. They have shown strong leadership, combined with others, and I look forward to being part of that as a member of the Senate Rules Committee. Senator LOTT, the chairman of that committee, will hold hearings in the very near future on this and other proposals. I believe it is imperative that we get that process underway so, as Senator BOND knows, every American knows they have the right to vote, and vote expeditiously, and every one of those votes is going to be counted.

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. 414

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Voter Protection Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—VOTER REGISTRATION AND MAINTENANCE OF OFFICIAL LISTS OF REGISTERED VOTERS
Sec. 101. Requirements for voters who register other than in person with an officer or employee of a State or local government entity.
Sec. 102. Removal of registrants from voting rolls for failure to vote.
Sec. 103. Use of social security numbers for voter registration and election administration.
Sec. 104. Synchronization of State databases.
Sec. 105. Incomplete registration forms.
Sec. 106. Requirements for submission of registration forms by third parties.
TITLE II—VOTING
Sec. 201. Voter rolls.
Sec. 202. Return of absentee ballots.
Sec. 203. Identification requirement.
Sec. 204. Clarification of counting of provisional ballots.
Sec. 205. Applications for absentee ballots.
Sec. 206. Pilot program for use of indelible ink at polling places.
TITLE III—CRIMINAL PENALTIES
Sec. 301. Penalty for making expenditures to persons to register.
Sec. 302. Penalty for conspiracy to influence voting.
Sec. 303. Penalty for destruction of property with intent to impede the act of voting.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There is a need for Congress to encourage and enable every eligible and registered American to vote.

(2) There is a need for Congress to protect the franchise of all Americans by rooting out the potential for fraud in the electoral system.

(3) There is a need for Congress to provide States the tools necessary to protect against fraud in multiple, fictitious, and ineligible voter registrations.

(4) There is a need for Congress to ensure completed and valid voter registration forms are returned for processing so as to not disenfranchise voters who believe they have been properly registered.

(5) There is a need for Congress to provide States the tools necessary to protect against any American casting more than one ballot and ensuring poll workers are equipped to identify those who voted prior to election day.

(6) There is a need for Congress to ensure the accuracy, integrity, and fairness of every American election.

(7) There is a need for Congress to ensure the protection of every American's franchise is carried out in a uniform and nondiscriminatory manner.

TITLE I—VOTER REGISTRATION AND MAINTENANCE OF OFFICIAL LISTS OF REGISTERED VOTERS

SEC. 101. REQUIREMENTS FOR VOTERS WHO REGISTER OTHER THAN IN PERSON WITH AN OFFICER OR EMPLOYEE OF A STATE OR LOCAL GOVERNMENT ENTITY.

(a) IN GENERAL.—

(1) APPLICATION OF REQUIREMENTS TO VOTERS REGISTERING OTHER THAN IN PERSON.—Subparagraph (A) of section 303(b)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(1)(A)) is amended to read as follows:

''(A) the individual registered to vote in a jurisdiction in a manner other than appearing in person before an officer or employee of a State or local government entity; and''.

(2) MEANING OF IN PERSON.—Paragraph (1) of section 303(b) of such Act is amended by inserting at the end the following:

''For purposes of subparagraph (A), an individual shall not be considered to have registered in person if the registration is submitted to an officer or employee of a State or local government entity by a person other than the person whose name appears on the voter registration form.''.

(3) CONFORMING AMENDMENTS.—

(A) The heading for subsection (b) of section 303 of such Act is amended by striking ''WHO REGISTER BY MAIL'' and inserting ''WHO DO NOT REGISTER IN PERSON''.

(B) The heading for section 303 of such Act is amended by striking ''**requirements for voters who register by mail**'' and inserting ''**voter registration requirements**''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply on and after January 1, 2006.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 303(d) of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)(2)) is amended by inserting at the end the following new subparagraph:

''(C) APPLICABILITY WITH RESPECT TO INDIVIDUALS WHO REGISTER OTHER THAN IN PERSON.—Notwithstanding subparagraphs (A) and (B)—

''(i) each State and jurisdiction shall be required to comply with the provisions of subsection (b) with respect to individuals who register to vote in a jurisdiction in a manner other than appearing in person before an officer or employee of a State or local government entity on and after January 1, 2006; and

''(ii) the provisions of subsection (b) shall apply to any individual who registers to vote in a jurisdiction in a manner other than appearing in person before an officer or employee of a State or local government on and after January 1, 2006.''.

(B) The heading for paragraph (2) of section 303(d) of such Act is amended by striking ''WHO REGISTER BY MAIL''.

(C) Subparagraph (A) of section 303(d)(2) of such Act is amended by inserting ''with respect to individuals who register by mail'' after ''subsection (b)''.

(D) Subparagraph (B) of section 303(d)(2) of such Act is amended by inserting ''by mail'' after ''registers to vote''.

SEC. 102. REMOVAL OF REGISTRANTS FROM VOTING ROLLS FOR FAILURE TO VOTE.

(a) IN GENERAL.—Section 8 of the National Voter Registration Act of 1994 (42 U.S.C. 1973gg–6) is amended by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively, and by inserting after subsection (g) the following new subsection:

''(h) FAILURE TO VOTE.—Except as otherwise provided in subsection (d), a State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has failed to vote unless—

''(1) the registrant has not voted or appeared to vote in 2 consecutive general elections for Federal office; and

''(2)(A) the registrant has not notified the applicable registrar (in person or in writing) during the period described in subparagraph (A) that the individual intends to remain registered in the registrar's jurisdiction; and

''(B) the applicable registrar has sent a notice which meets the requirements of paragraph (d)(2) and the notice is undeliverable.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 8(a)(4) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(a)(4)) is amended by striking ''or'' at the end of subparagraph (A), by inserting ''or'' at the end of subparagraph (B), and by adding at the end the following new subparagraph:

''(C) a failure to vote in 2 consecutive general elections for Federal office, in accordance with subsection (h) of this section;''.

(2) Section 8(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)) is amended by striking ''roll for elections for Federal office'' and all that follows and inserting the following ''roll for elections for Federal office shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).''.

SEC. 103. USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.

(a) IN GENERAL.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

''(I)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if such individual

has more than one such number) issued to such individual by the Commissioner of Social Security.

''(ii) For purposes of clause (i), an agency of a State (or political subdivision thereof) charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2005, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause.

''(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of the Voter Protection Act of 2005 is inconsistent with the policy set forth in clause (i), such provision shall, on and after the date of the enactment of such Act, be null, void, and of no effect.''.

(b) CONSTRUCTION.—Nothing in this section or the amendment made by this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.

SEC. 104. SYNCHRONIZATION OF STATE DATABASES.

(a) IN GENERAL.—Subparagraph (A) of section 303(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(1)(A)) is amended by adding at the end the following:

''(ix) The computerized list shall be in a format which allows for sharing and synchronization with other State computerized lists.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Paragraph (1) of section 303(d) of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)(1)) is amended by adding at the end the following:

''(C) SYNCHRONIZATION OF DATABASES.—Each State and jurisdiction shall be required to comply with the requirements of subsection (a)(1)(A)(ix) on and after January 1, 2007.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 303(d)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)(1)(A)) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

SEC. 105. INCOMPLETE REGISTRATION FORMS.

(a) IN GENERAL.—Subparagraph (B) of section 303(b)(4) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)(B)) is amended to read as follows:

''(B) INCOMPLETE FORMS.—If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall return the incomplete voter registration form to the applicant and provide the applicant with an opportunity to complete the registration form.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any individual who registers to vote on or after January 1, 2006.

SEC. 106. REQUIREMENTS FOR SUBMISSION OF REGISTRATION FORMS BY THIRD PARTIES.

(a) IN GENERAL.—Section 303 of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)), as amended by this Act, is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

''(d) REQUIREMENTS FOR SUBMISSION OR REGISTRATION FORMS BY THIRD PARTIES.—Notwithstanding section 8(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(a)), no State shall register any person to vote in an election for Federal office if the registration form is submitted—

''(1) by a person other than the person whose name appears on such form; and

''(2) more than 3 days after the date on which such form was signed by the registrant.''.

(b) CONFORMING AMENDMENT.—Section 906(a) of the Help America Vote Act of 2002 (42 U.S.C. 15545(a)) is amended by striking ''section 303(b)'' and inserting ''subsections (b) and (d) of section 303''.

(c) EFFECTIVE DATE.—Subsection (e) of section 303 of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)), as redesignated by subsection (a), is amended by adding at the end the following new paragraph:

''(3) REQUIREMENT FOR SUBMISSION OF REGISTRATION FORMS BY THIRD PARTIES.—Each State shall be required to comply with the requirements of subsection (d) on and after January 1, 2006.''.

TITLE II—VOTING

SEC. 201. VOTER ROLLS.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

''SEC. 304. VOTER ROLLS.

''(a) IN GENERAL.—If a State allows early voting or absentee voting for a Federal office, then such State shall be required to ensure that the voter rolls at each polling location on the day of the election accurately and affirmatively indicate—

''(1) which individuals have voted prior to such day; and

''(2) which individuals have requested an absentee ballot for such election.

''(b) RULE FOR PERSONS NOT VOTING IN PERSON.—For purposes of subsection (a)(1), a State shall affirmatively indicate that an individual who has not voted in person has voted if the State has received a ballot from such individual prior to the day of the election.

''(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.''.

(b) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

SEC. 202. RETURN OF ABSENTEE BALLOTS.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended by this Act, is amended by redesignating sections 305 and 306 as sections 306 and 307, respectively, and by inserting after section 304 the following new section.

''SEC. 305. RETURN OF ABSENTEE BALLOTS.

''(a) IN GENERAL.—Except as provided in the Uniformed and Overseas Citizens Absentee Voting Act, each absentee ballot cast for a Federal office must be received by the State by the close of business on the day of the election in order to be counted as a valid ballot.

''(b) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2006.''.

(b) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511), as amended by this Act, is amended by striking ''and 304'' and inserting ''304, and 305''.

SEC. 203. IDENTIFICATION REQUIREMENT.

(a) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL AND OTHER THAN IN PERSON.—

(1) IN GENERAL.—Subparagraph (A) of section 303(b)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)) is amended—

(A) in clause (i)—

(i) by inserting ''issued by a government entity'' after ''identification'' in subclause (I); and

(ii) by striking ''current utility bill, bank statement, government check, paycheck, or other'' in subclause (II) and inserting ''recent''; and

(B) in clause (ii) —

(i) by inserting ''issued by a government entity'' after ''identification'' in subclause (I); and

(ii) by striking ''current utility bill, bank statement, government check, paycheck, or other'' in subclause (II) and inserting ''recent''.

(2) INAPPLICABILITY.—Paragraph (3) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(3)) is amended—

(A) in subparagraph (A)—

(i) by striking ''part of such'' and inserting ''a requirement for a valid'';

(ii) by inserting ''issued by a government entity'' after ''identification'' in clause (i); and

(iii) by striking ''current utility bill, bank statement, government check, paycheck, or other'' in clause (ii) and inserting ''recent''; and

(B) in subparagraph (B)(i), by striking ''with such'' and inserting ''as a requirement for a valid''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who register to vote on and after January 1, 2006, and each State and jurisdiction shall be required to comply with the requirements of section 303(b) of the Help America Vote Act of 2002, as amended by this section, on and after January 1, 2006.

(b) NEW REQUIREMENT FOR INDIVIDUALS VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended by this Act, is amended by redesignating sections 306 and 307 as sections 307 and 308, respectively, and by inserting after section 305 the following new section:

''SEC. 306. IDENTIFICATION OF VOTERS AT THE POLLS.

''(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present a current valid photo identification issued by a governmental entity before voting.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2006.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511), as amended by this Act, is amended by striking ''and 305'' and inserting ''305, and 306''.

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

''PART 7—PHOTO IDENTIFICATION

''SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

''(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of sections 303(b)(2) and 306.

''(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to

the Commission (at such time and in such form as the Commission may require) an application containing—

''(1) a statement that the State intends to comply with the requirements of section 303(b) and section 306; and

''(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications to meet the requirements of such sections.

''(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of sections 303(b) and 306.

''(d) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

''(A) the total amount appropriated for payments under this part for the year under section 298; and

''(B) an amount equal to—

''(i) the voting age population of the State (as reported in the most recent decennial census); divided by

''(ii) the total voting age of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

''SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated $25,000,000 for fiscal year 2006 and such sums as are necessary for each subsequent fiscal year for the purpose of making payments under section 297.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.''.

SEC. 204. CLARIFICATION OF COUNTING OF PROVISIONAL BALLOTS.

(a) IN GENERAL.—Paragraph (4) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(4)) is amended by adding at the end the following new sentence: ''For purposes of this paragraph, the determination of whether an individual is eligible under State law to vote shall take into account any provision of State law with respect to the polling site at which the individual is required to vote.''.

(b) CONFORMING AMENDMENT.—

(1) Paragraph (1) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(1)) is amended to read as follows:

''(1) An election official at the polling place shall—

''(A) notify the individual that the individual may cast a provisional ballot in that election; and

''(B) in the case of an individual who the election official asserts is not eligible to vote under State law because the individual is at an incorrect polling site, direct the individual to the appropriate polling site.''.

(2) Paragraph (2) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(2)) is amended by striking ''The individual'' and inserting ''Notwithstanding the requirement of paragraph (1)(B), the individual''.

SEC. 205. APPLICATIONS FOR ABSENTEE BALLOTS.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended by this Act, is amended by redesignating sections 307 and 308 as sections 308 and 309, respectively, and by inserting after section 306 the following new section:

''SEC. 307. APPLICATIONS FOR ABSENTEE BALLOTS.

''(a) IN GENERAL.—An application for an absentee ballot for an election for Federal office may not be accepted and processed by a State unless the application includes—

''(1) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

''(2) in the case of any other applicant—

''(A) a photo copy of a current and valid photo identification issued by a government entity;

''(B) at least the last 4 digits of the applicant's social security number; or

''(C) the number assigned to such individual under section 303(a)(5)(A)(ii).

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2006.''.

(b) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511), as amended by this Act, is amended by striking ''and 306'' and inserting ''306, and 307''.

SEC. 206. PILOT PROGRAM FOR USE OF INDELIBLE INK AT POLLING PLACES.

Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.), as amended by this Act, is amended by adding at the end the following:

''PART 8—PILOT PROGRAM FOR USE OF INDELIBLE INK AT POLLING PLACES

''SEC. 299. PILOT PROGRAM.

''(a) IN GENERAL.—The Commission shall make grants to States to carry out pilot programs under which each voter in an election for Federal office in a State is marked with indelible ink after submitting a ballot.

''(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission, at such time and in such form as the Commission may require, an application containing such information as the Commission may require.

''(c) REPORT.—

''(1) IN GENERAL.—Each State which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

''(2) DEADLINE.—A State shall submit the report required under paragraph (1) not later than 60 days after the end of the fiscal year for which the State received the grant which is the subject of the report.

''SEC. 300. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated for grants under this part $5,000,000 for fiscal year 2006 and such sums as are necessary for each succeeding fiscal year.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available, without fiscal year limitation, until expended.''.

TITLE III—CRIMINAL PENALTIES

SEC. 301. PENALTY FOR MAKING EXPENDITURES TO PERSONS TO REGISTER.

Section 597 of title 18, United States Code, is amended by inserting ''to register him to vote,'' after ''either''.

SEC. 302. PENALTY FOR CONSPIRACY TO INFLUENCE VOTING.

Section 597 of title 18, United States Code, as amended by this Act, is amended by striking ''makes or offers to make'' and inserting ''makes, offers to make, or conspires to make''.

SEC. 303. PENALTY FOR DESTRUCTION OF PROPERTY WITH INTENT TO IMPEDE THE ACT OF VOTING.

Section 594 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''Whoever''; and

(2) by adding at the end the following:

''(b) Whoever destroys or damages any property with the intent to prevent or impede an individual from voting in an election for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, shall be fined under this title, imprisoned for not more than 2 years, or both.''.

By Mr. ROCKEFELLER:

S. 415. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce legislation today know as the State Child Well-Being Research Act of 2005. This bill is designed to enhance child well-being in every State by collecting data on a State-by-State basis to provide information to advocates and policy-makers about the well-being of children. Developing a set of indicators and measuring progress of child well-being deserves to be a priority.

My hope is to incorporate this important research initiative into the welfare reform reauthorization package. I believe that the Senate should reauthorize our welfare program, known as Temporary Assistance to Needy Families, TANF, and we should do it this year. Chairman GRASSLEY's interest in a bipartisan process is very encouraging.

In 1996, Congress passed bold legislation to dramatically change our welfare system, and I supported it. The driving force behind this reform was to promote work and self-sufficiency for families and to provide flexibility to States to achieve these goals. States have used this flexibility to design different programs that work better for families who rely on them.

Nine years later, it is obvious that we need State-by-State data on child well-being to measure the results. The current Survey of Income and Program Participation (SIPP) is used to evaluate the progress of welfare, and it has been an important national longitudinal study designed to provide rich, detailed data; the kinds of data most useful to academic researchers. It does not, however, provide States with good, timely data to help them more effectively accomplish the goals set forth in welfare reform. This is why is makes sense to invest in both types of surveys, the SIPP and this bill. As social policy and flexibility shifts to the States, the data measuring its effects should be specific.

This bill, the State Child Well Being Research Act of 2005, is intended to fill this information gap by collecting timely, State-specific data that can be used by policy-makers, researchers,

and child advocates to assess the well being of children. It would require that a survey examine the physical and emotional health of children, adequately represent the experiences of families in individual States, be consistent across States, be collected annually, articulate results in easy to understand terms, and focus on low-income children and families.

The proposed legislation will provide data for all States, including small rural States that cannot be covered under SIPP because the sample size is too small. A modest investment in this bill would offer State data for the twenty-three rural states of Alabama, Alaska, Arkansas, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Vermont, West Virginia, and Wyoming. Moreover, data from a cross-sectional survey would be available to State policy-makers on a far more timely basis than those of a national longitudinal study, a matter of months instead of years.

Further, this bill avoids some of the other problems that plague the current system by making data files easier to use and more readily available. As a result, the information will be more useful for policy-makers managing welfare reform and programs for children and families.

This legislation also offers the potential for the Health and Human Service Department to partner with several private charitable foundations, including the Annie E. Casey, John D. and Catherine T. MacArthur, and McKnight foundations, who are interested in forming a partnership to provide outreach and support and to guarantee that the data collected would be broadly disseminated. This type of public-private partnership helps to leverage additional resources for children and families and increases the study's impact. Given the tight budget we face, partnerships make sense.

I hope my colleagues will support this effort to learn about the well-being of our children in rural States. 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. 415

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 ''State Child Well-Being Research Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The well-being of children is a paramount concern for our Nation and for every State, and most programs for children and families are managed at the State or local level.

(2) Child well-being varies over time and across social, economic, and geographic groups, and can be affected by changes in the circumstances of families, by the economy, by the social and cultural environment, and by public policies and programs at both the Federal and State level.

(3) States, including small States, need information about child well-being that is specific to their State and that is up-to-date, cost-effective, and consistent across States and over time.

(4) Regular collection of child well-being information at the State level is essential so that Federal and State officials can track child well-being over time.

(5) Information on child well-being is necessary for all States, particularly small States that do not have State-level data in other federally supported data bases, such as the Survey of Income and Program Participation.

(6) Telephone surveys of parents, on the other hand, represent a relatively cost-effective strategy for obtaining information on child well-being at the State level for all States, including small States.

(7) Data from telephone surveys of the population are used to monitor progress toward many important national goals, including immunization of preschool children with the National Immunization Survey, and the identification of health care issues of children with special needs with the National Survey of Children with Special Health Care Needs.

(8) A State-level telephone survey can provide information on a range of topics, including children's social and emotional development, education, health, safety, family income, family employment, and child care. Information addressing marriage and family structure can also be obtained for families with children. Information obtained from such a survey would not be available solely for children or families participating in programs but would be representative of the entire State population and consequently, would not only inform welfare policymaking, but policymaking on a range of other important issues, such as child care, child welfare, and education.

SEC. 3. RESEARCH ON INDICATORS OF CHILD WELL-BEING.

Section 413 of the Social Security Act (42 U.S.C. 613) is amended by adding at the end the following:

''(k) INDICATORS OF CHILD WELL-BEING.—

''(1) IN GENERAL.—The Secretary, through grants, contracts, or interagency agreements shall develop comprehensive indicators to assess child well-being in each State.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The indicators developed under paragraph (1) shall include measures related to the following:

''(i) Education.

''(ii) Social and emotional development.

''(iii) Health and safety.

''(iv) Family well-being, such as family structure, income, employment, child care arrangements, and family relationships.

''(B) OTHER REQUIREMENTS.—The data collected with respect to the indicators developed under paragraph (1) shall be—

''(i) statistically representative at the State level;

''(ii) consistent across States;

''(iii) collected on an annual basis for at least the 5 years following the first year of collection;

''(iv) expressed in terms of rates or percentages;

''(v) statistically representative at the national level;

''(vi) measured with reliability;

''(vii) current;

''(viii) over-sampled, with respect to low-income children and families; and

''(ix) made publicly available.

''(C) CONSULTATION.—In developing the indicators required under paragraph (1) and the means to collect the data required with respect to the indicators, the Secretary shall consult and collaborate with the Federal Interagency Forum on Child and Family Statistics.

''(3) ADVISORY PANEL.—

''(A) ESTABLISHMENT.—The Secretary shall establish an advisory panel to make recommendations regarding the appropriate measures and statistical tools necessary for making the assessment required under paragraph (1) based on the indicators developed under that paragraph and the data collected with respect to the indicators.

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The advisory panel established under subparagraph (A) shall consist of the following:

''(I) One member appointed by the Secretary of Health and Human Services.

''(II) One member appointed by the Chairman of the Committee on Ways and Means of the House of Representatives.

''(III) One member appointed by the Ranking Member of the Committee on Ways and Means of the House of Representatives.

''(IV) One member appointed by the Chairman of the Committee on Finance of the Senate.

''(V) One member appointed by the Ranking Member of the Committee on Finance of the Senate.

''(VI) One member appointed by the Chairman of the National Governors Association, or the Chairman's designee.

''(VII) One member appointed by the President of the National Conference of State Legislatures or the President's designee.

''(VIII) One member appointed by the Director of the National Academy of Sciences, or the Director's designee.

''(ii) DEADLINE.—The members of the advisory panel shall be appointed not later than 2 months after the date of enactment of the State Child Well-Being Research Act of 2005.

''(C) MEETINGS.—The advisory panel established under subparagraph (A) shall meet—

''(i) at least 3 times during the first year after the date of enactment of the State Child Well-Being Research Act of 2005; and

''(ii) annually thereafter for the 3 succeeding years.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2006 through 2010, $15,000,000 for the purpose of carrying out this subsection.''.

By Mr. DORGAN (for himself and Mr. SHELBY):

S. 417. A bill to amend the Internal Revenue Code of 1986 to provide for a refundable wage differential credit for activated military reservists; to the Committee on Finance.

Mr. DORGAN. Mr. President, I rise today to introduce legislation, along with Senator SHELBY, to provide a financial safety net for the families of our young men and women who proudly serve in the Nation's military reserve and National Guard.

Our country is demanding that our military reservists and members of the National Guard play a more crucial and sustained role in supplementing

the activities of our traditional Armed Forces than at any other time in our recent history. In response to the Iraq war and homeland security needs, the country has called up hundreds of thousands of our reservists and Guard members for extended tours of duty of up to 18 months.

Today, almost 184,000 National Guardsmen and reservists are on active duty. Military leaders expect the total number of reservists and Guardsmen on active duty for the war on terrorism to remain above 100,000 for the indefinite future.

Since September 11, 2001, more than 2,000 of North Dakota's Guardsmen and reservists have been called to duty and placed in harms way around the globe. One of the issues I hear most often about from those service members and their families is how hard it is for them to make ends meet on their military incomes.

When Guard members or reservists are mobilized, it has an enormous impact not only on their lives, but also on the lives of their loved ones. In many cases when an individual is mobilized, his or her family may experience a serious loss of income. This is because active duty military compensation often falls below what reservists earn in civilian income. In addition, some reservists experienced continuing financial losses after return to civilian life due to neglected businesses or professional practices.

These income losses are often exacerbated by the additional family expenses that are associated with military activation, such as the need for extra day care.

The Pentagon doesn't track the number of reservist families who have to live on diminished incomes during deployment. But it is clearly a significant problem. The Pentagon's Reserve Forces Policy Board says that one-third of all mobilized Reserve component members earn less than their private sector and civilian salaries while on active duty. Other estimates are even higher. For example, 45 percent of reserve officers and 55 percent of enlisted members who were activated for the 1990 Gulf War reported income loss. And a 1998 survey of junior enlisted members of the California National Guard's 40th Infantry Division showed that the great majority risked cutting their household income somewhere between 16 percent and more than 65 percent if they were called to active duty.

The most recent information on mobilization income loss comes from the year 2000. Some 41 percent of Guardsmen and reservists who were mobilized that year reported income losses ranging from $350 to more than $3,000 per month. Self-employed reservists reported an average income loss of $1,800 per month. Physicians and registered nurses in private practice reported an average income loss of as much as $7,000 per month.

Those were big losses. But when that survey was conducted in 2000, reservists were mobilized for an average of only 3.6 months. Today mobilizations of up 14 to 18 months are common. So the cumulative impact of lost wages is much bigger.

The loss of income that reservists and Guardsmen incur when they are ordered to leave their good-paying private sector or civilian jobs to serve their country often creates an unmanageable financial burden that disrupts the lives of their families who are already trying to cope with the emotional stress and hardship caused by the departure of a beloved spouse, father or mother who has been ordered to active duty.

In the mid-1990s the Pentagon tried to deal with this problem by offering members of the National Guard and Reserve the opportunity to buy insurance to guard against their risk of being called to active duty and losing income. The program sold coverage for income losses of up to $5,000 per month. Unfortunately, the program was poorly planned and executed, and Congress had to appropriate substantial money to bail out the program before it was terminated. Since then the private sector has not shown any interest in reviving the mobilization income insurance program. Thus, we need to find another way to deal with the issue. The solution I propose is one suggested by the Pentagon's Reserve Forces Policy Board, that is, an income loss tax credit.

The legislation that Senator SHELBY and I are introducing provides a fully refundable, 100-percent income tax credit of up to $20,000 annually to a military reservists on active duty based upon the difference in wages paid in his or her private sector or civilian job and the military wages paid upon mobilization. For this purpose, a qualified military reservist is a member of the National Guard or Ready Reserve who is mobilized and serving for more than 90 days.

In conclusion, we owe a great deal to those Americans who put on their uniforms and serve in the military in the most difficult of circumstances. We can never fully repay that debt. However, we can do much more to remove the immediate financial burden that many reserve and National Guard families experience when a family member is ordered to active duty. This legislation will provide those families with some much-needed financial assistance. I urge my colleagues in the Senate to support my efforts to get this tax relief measure enacted into law as soon as possible.

Mr. SHELBY. Mr. President, I rise today to introduce legislation with Senator DORGAN to provide a financial safety net for the families of our servicemembers who proudly serve in our Nation's military Reserve and National Guard.

Today, our National Guard and Reserve units are being called upon more than ever and are being asked to serve their country in a very different way than in the past. The Global War on Terror and the high operational tempo of our military require that our Reserve components play a more active role in the total force.

In the past, our Reservists were exactly what their name implied—a backup force called upon one weekend a month and two weeks a year. However, as the Cold War melted away, so did much of our military. Active Duty numbers were reduced as our major threat, the Soviet Union, fell apart. Since this reduction in our Active Duty armed forces, the burden has fallen to the Reservists to ''pick up the slack.''

Unlike any other time in our Nation's history, we now depend heavily on our Reserve component and have called on many of them to participate in major deployments, including Operation Enduring Freedom and Operation Iraqi Freedom. These deployments frequently necessitate extended tours of duty, many of them exceeding twelve months, for these citizen-soldiers.

These long tours and frequent activations have a profound and disruptive effect on the lives of these men and women and on the lives of their families and loved ones. Many of our reservists suffer a significant loss of income when they are mobilized—forcing them to leave often higher paying civilian jobs to serve their country. Such losses can be compounded by additional family expenses associated with military activation, including the cost of long distance phone calls and the need for additional child care. These circumstances create a serious financial burden that is extremely difficult for reservists' families to manage. We can and should do more to alleviate this financial burden.

Previously, the Pentagon tried to address this problem by offering members of the National Guard and Reserve the opportunity to buy insurance to protect against income loss upon mobilization in the mid-1990s. The program sold coverage for income losses of up to $5,000 per month. Unfortunately, the program was poorly planned and executed, and Congress had to appropriate substantial money to bail out the program before it was terminated. Since then, the private sector has shown little interest in reviving the mobilization income insurance program even though the Reserve Forces Policy Board has sighted income protection as one of its top recommendations.

It is critical that we find another way to deal with the issue. Therefore, Senator DORGAN and I have proposed the Military Reserve Mobilization Income Security Act. This legislation would provide a completely refundable income tax credit of up to $20,000 annually to a military reservist called to

active duty. The amount of the tax credit would be based upon the difference between wages paid by the reservist's civilian job and the military wages paid upon mobilization. The tax credit would be available to members of the National Guard or Ready Reserve who are serving for more than 90 days and would vary according to their length of service.

Now is the time to recognize the service and sacrifice of the men and women who are in the Reserves. At a time when the Nation is once again calling them to active duty to execute the war in Iraq, fight the War on Terrorism, and to defend our homeland it is imperative that Congress recognize the vital role these soldiers play within our military and acknowledge that the success of our military depends on these troops.

I believe that what Senator DORGAN and I are doing with this bill is the least we can do for these men and women and their families. It is not too much to ask of our Nation and more importantly, it is the right thing to do.

By Mr. ENZI (for himself, Mrs. CLINTON, Mr. HAGEL, and Mr. SCHUMER):

S. 418. A bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ENZI. Mr. President, I rise today with my colleague from New York to introduce the Military Personnel Financial Services Protection Act of 2005. This bill is needed to protect our military personnel and their families from unscrupulous financial products. Over the past year, it has become increasingly clear to many that the lack of oversight in this area has allowed certain individuals to push high cost financial products on unknowing military personnel. This practice must be stopped. Our soldiers and their families deserve much better, especially during a time when so many of them are serving at home and overseas to protect our freedom.

The bill that we introduce today will halt completely the sale of a mutual fund-like product that charges a 50 percent sales commission against the first year of contributions by a military family. Currently, there are hundreds of mutual fund products available on the market that charge less than six percent. The excessive sales charges of these contractually based financial products make them susceptible to abusive and misleading sales practices.

In addition, certain life insurance products are being offered to our service members disguised and marketed as investment products. These products provide very low death benefits while charging very high premiums, especially in the first few years. Many of these products are unsuitable for the insurance and investment needs of military families.

One of the major problems with the sale of insurance products on military bases is the confusion of whether state insurance regulators or military base commanders are responsible for the oversight of sales agents. Typically, military base commanders will bar certain sales agents from a military base only to have the sales agents show up at other military facilities. Since there is no record of the bar, State insurance regulators have been unable to have adequate oversight of the individuals. The bill that we introduce today will solve that problem. It will state clearly that State insurance regulators have jurisdiction of the sale of insurance products on military bases.

The bill will also urge State insurance regulators to work with the Department of Defense to develop life insurance product standards and disclosures. The Department of Defense will keep a list of individuals who are barred or banned from military bases due to abuse or unscrupulous sales tactics and to share that list with Federal and State insurance, securities and other relevant regulators.

Finally, the bill that we are introducing today will protect our military families by preventing investment companies from issuing periodic payment plan certificates, the mutual fund-like investment product with extremely high first year costs. This type of financial instrument has been criticized by securities regulators since the late 1960s.

It should be noted that there are many upstanding financial and insurance companies that sell very worthwhile investment and insurance products to military families. They should be applauded for the fine job that they do in helping our military members and their families. This bill is targeted at the few who abuse the system and prey upon our military.

Congress is fully aware of the dangers faced by our military personnel in keeping our country safe from harm. Likewise, we must do all that we can to arm our soldiers when they face the dangers of planning for their financial futures.

I urge my colleagues to take up this bill immediately so that we can help our men and women in the military and their families.

By Mr. KYL:

S. 419. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction; to the Committee on Finance.

Mr. KYL. Mr. President, today I am introducing legislation to make the 15-year depreciation recovery period for improvements to restaurants permanent, and to extend this treatment to cover new restaurant construction as well. Last year, in the American Jobs Creation Act of 2004 (Public Law 108–357), Congress set the depreciation recovery period for renovations and improvements made to existing restaurant buildings at 15 years, but this treatment only applies to property placed in service before the end of 2005.

The legislation I am introducing today will permanently set the depreciation recovery period for new restaurant construction and for improvements to existing restaurants at 15 years. It simply makes no sense that the current law providing a 15-year life for improvements to restaurant properties expires at the end of 2005. Restaurants are businesses, and they need the certainty to plan investments several years in advance. Further, Congress should expand the treatment to apply to new construction, as well as to improvements.

Restaurants are high-volume businesses. Every day, more than half of all Americans eat out. Restaurants get more customer traffic and maintain longer hours than the average commercial business—many staying open 7 days a week. This tremendous amount of activity causes rapid deterioration in a restaurant building's systems, from its entrances and lobbies to its flooring, restrooms, and interior walls.

Restaurants improve and renovate constantly to accommodate the wear and tear of heavy customer traffic and to keep pace with changing consumer preferences. Clearly, a 39-year depreciation recovery period—which is what the recovery period will revert to after 2005—does not match the economic life for new restaurant buildings or for improvements to existing structures.

Moreover, permanently setting the depreciation recovery period at 15 years will encourage significant economic activity. According to the National Restaurant Association, a 15-year depreciation recovery period for new restaurant construction and improvements to existing properties would generate an additional $3.7 billion in cash flow for the restaurant industry over the next 10 years. If restaurants use just 25 percent of this influx of cash to expand and undertake additional renovations, the Restaurant Association study predicts that the 10-year economic impact would be $853 million.

I hope all of my colleagues will join me in this effort to bring certainty and a rational depreciation recovery period to the restaurant industry so that restaurant owners can continue to expand their businesses and provide good jobs to American workers.

By Mr. KYL (for himself, Mr. NELSON of Florida, Mr. ALLARD, Mr. ALLEN, Mr. BURNS, Mr. INHOFE, Mr. TALENT, and Mr. THUNE):

S. 420. A bill to make the repeal of the estate tax permanent; to the Committee on Finance.

Mr. KYL. Mr. President, today I am pleased to introduce the Death Tax Repeal Permanency Act of 2005 along with Senator BILL NELSON. This bipartisan legislation will make the death tax a thing of the past.

As we all know, Congress, working with President Bush, enacted bipartisan legislation in 2001 to phase out and eventually repeal the death tax in 2010. Unfortunately, because we did not have the 60 votes we needed to avoid a filibuster by opponents of the cuts, we could not make the repeal permanent. Rather, under Senate rules, the cuts could only be extended for the term of the budget: 10 years. As a consequence, the death tax springs back to life in 2011, at its old rate of up to 60 percent and at its old exemption level of only $1 million. Senator NELSON and I understand that this tax structure is simply unworkable for families and family businesses. We agree that the best solution is to simply get rid of the death tax once and for all. That's why we are introducing legislation today to make death tax repeal permanent.

Senator NELSON and I are joined in this effort by Senators ALLARD, ALLEN, BURNS, INHOFE, TALENT, and THUNE, and we have the full support of President Bush, who once again included permanent repeal of the death tax in his Fiscal Year 2006 budget proposal.

The death tax is an unfair, inefficient, economically unsound and, frankly, an immoral tax that should be removed from the tax code. A recent survey found that 58 percent of Americans believe the death tax is ''completely unfair.'' In contrast, only 10 percent of those surveyed said the same about sales taxes. Moreover, this view is shared by Americans across income levels and political parties: 61 percent of Americans making less than $30,000 a year believe the death tax is ''completely unfair''; 89 percent of respondents who supported President Bush in the last election and 71 percent of respondents who supported his opponent in the last election label the death tax somewhat or very ''unfair.''

And the death tax is unfair, first of all, to the decedent and to his or her heirs. We are talking about people who work hard throughout their lives, perhaps start businesses, or perhaps buy homes in fast-growing metropolitan areas where real estate values are skyrocketing. Or it could be such a person owns a farm or just works hard in a company owned by others, but that person saves and invests and eventually accumulates a small but respectable nest egg. As you can see, the tax reaches far more than the ''ultra-rich,'' its intended targets when it was first imposed. The American dream is to be able to leave these assets to one's children so that they might enjoy a better life than their parents. It is simply unfair and immoral for the government to take more than half of these assets at death.

Americans understand that the death tax is unfair because it falls on families when they have the least ability to make significant economic decisions: at the time they lose a loved one. Further, it is unfair because expensive tax planning can significantly ease the effect of the death tax. If you have the money to hire the right lawyer, buy the large insurance policies that are needed, and do the proper planning, your family can be spared much of the financial pain caused by the death tax. If, on the other hand, you die without warning or if you have an unexpectedly large estate due to increased property values and prudent investments, you are caught paying a larger tax. Taxes required as a result of intentional, planned economic decisions are one thing; taxes on an untimely death are quite another.

Not only is the death tax unfair; it hurts economic growth. The death tax creates a disincentive to build a family farm, ranch, or other business with the goal of passing it on to one's children. In some cases, it makes more sense for a family business to be sold when the owner retires, since the taxes, primarily capital gains taxes, are going to be much lower if the assets are sold while the owner is still alive. Further, planning for the death tax makes it harder to expand a family business because needed resources are spent on attorneys and life insurance instead of growing the business. As much is spent each year on such ''avoidance planning'' as is collected in death taxes by the government.

The death tax also hurts economic growth by discouraging savings and investment. Whether it falls on a family business built through hard work or on a family with a home and a lifetime of investments in 401(k) and IRAs thanks to prudent living, it claims nearly half of an estate over the unified credit amount ($1.5 million in 2005) for the federal government. Such confiscatory tax rates give people little incentive to save and invest. What's more, the American people understand that the death tax represents multiple levels of taxation. Fully 80 percent of those in a recent survey said that the tax represents an ''extreme'' form of ''triple taxation.''

The death tax has a broader economic reach than to just those immediately hit with the tax. Suppose a small business employs 25, maybe 30 people, all of whom rely on the business for their livelihood, health insurance, and retirement savings. The entrepreneur's heirs may not have enough cash to pay the applicable death tax, so they may be forced to liquidate the business. Depending on who buys the assets and what is done with them, the employees may now have to find other jobs. Moreover, all of the companies that sold items to or bought items from this business might need to find other suppliers or customers, leaving a hole in the economy. According to the IRS ''Statistics of Income,'' estate and gift taxes only brought in about $22.8 billion in fiscal year 2003 barely more than one percent of all gross tax collections by the Treasury Department. For such a small amount of revenue, the death tax inflicts a disproportionately large amount of damage on the economy.

One of the most interesting statements about the death tax was made by Edward J. McCaffrey, a law professor from the University of Southern California and self-described liberal, in testimony before Congress several years back. He said, ''Polls and practices show that we like sin taxes, such as on alcohol and cigarettes. . . . The estate tax is an anti-sin, or a virtue, tax. It is a tax on work and savings without consumption, on thrift, on long term savings.''

I urge Congress to act this year to end this tax on virtue, work, savings, job creation and the American dream, and to end it permanently.

Mr. NELSON of Florida. Mr. President, I rise today with my colleague from Arizona, Senator KYL, to introduce a bill that will eliminate the death tax once and for all. I want to thank my friend for his tireless leadership in fighting to completely and permanently repeal this unfair and unwise tax. I am proud to join him in this bipartisan effort.

First, though, I think a little historical context is important. Remembering back to 2001, this body passed a tax cut bill that set us on the path toward full repeal of the death tax. Under this plan, between 2001 and 2009, the tax gradually is phased out, reducing the marginal rates and increasing the amount that would be exempt from taxes.

Then, in 2010, the death tax will be eliminated. But it springs back to life in 2011 at the level it was in 2001.

Today, the legislation we are introducing tends to Congress' unfinished business. Our bill eliminates the so-called ''sunset'' date and, simply put: keeps the death tax dead.

This is an important point. It is a matter of intellectual honesty and provides much needed stability in estate planning. No one ever truly expected the death tax would revert to pre-2001 levels. This was a quirk of the budget process, and something I always believed would be remedied.

Without action to create permanence in the Tax Code, this on-again, off-again, then on again approach makes estate planning complicated and uncertain. As it stands now—financially speaking—2010 will be a good year to

die, but dying in 2011 will be very expensive for your heirs. This was never Congress' intent.

Furthermore, I believe the cost of planning is a tremendous burden on our economy. Rather than reinvesting resources in their businesses, Americans are paying lawyers, accountants and insurers to help insulate their families from the cost of the death tax. Typical business owners are more concerned about avoiding the tax than investing in their businesses and making money, which creates jobs and stimulates the economy.

I echo the feelings of an editor at the Arkansas Democrat-Gazette, who in 2001 called this tax ''an un-American drag on the American Dream—and economy.''

Since my election in 2000 it has been a priority of mine to do away with this tax, helping business owners and family farmers to improve their children's standard of living, and to reinvest in the nation's economy. This is the wrong tax levied at the wrong time; we should not be taxing individuals at death, forcing family members to make a choice between selling assets or keeping the family business.

In particular, farmers in Florida are affected more than their fair share by this tax. With the high price of land, farms can easily outgrow the exemptions in current law. When a parent dies, children are forced to sell the land in order to cover the death tax. A family legacy is lost, and so are jobs.

I am proud to introduce this bill today, and I look forward to working with Senator KYL as we try to lend some stability and sensibility to how taxes are levied at death.

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

S. 421. A bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KOHL. Mr. President, I rise today to join Senator LOTT in introducing legislation which is of great importance to millions of people throughout the country. The sport fishing and boating communities play a vital role in our Nation's economy, and I am pleased to be working with Senator Lott on legislation that will directly impact boaters and anglers everywhere.

In Wisconsin, anglers and boaters are integral to the State's economy. Our access to the Great Lakes is only a portion of what makes my State an excellent boating and fishing destination. From the Mississippi River to Sturgeon Bay, Wisconsin encompasses thousands of acres of lakes and rivers; my State is home to more than 1.4 million anglers, and a destination for thousands of boating and fishing related tourists each year. In 2001, approximately $1 billion was spent in the State on fishing related activities, according to a study conducted by the Fish and Wildlife Service. Recreational boating is an equal partner to the sport fishing industry, with more than $526 million being spent in 2003 on powerboats and accessories. As a recreation for residents and draw for tourists, the contribution of water sports to Wisconsin is immeasurable.

Today, Senator LOTT and I are introducing legislation aimed at giving back to the fishing and boating communities. This legislation, however, would not exist if it were not for the leadership of Senator Breaux, who worked tirelessly on boating and fishing issues during his tenure in Congress. In 1984, as a member of the House of Representatives, he worked with then Senator Malcolm Wallop, to create the Aquatic Resources Trust Fund. The trust fund, commonly known as the Wallop-Breaux Trust Fund, serves as a collection point for most of the excise taxes attributable to motorboat and small engine fuels, as well as the taxes on fishing equipment. The Wallop-Breaux fund is one of the most successful examples of a ''user pays, user benefits'' program; the excise taxes that are collected into the fund are then used on programs that directly benefit boaters and anglers. The funding is then distributed to States for activities ranging from boating safety education to maintaining our nation's wetlands.

I am dedicated to continuing the legacy of Wallop-Breaux. That is why Senator LOTT and I are introducing legislation that will reauthorize the Aquatic Resources Trust Fund and expand the size of the Fund. The legislation we are introducing today mirrors the Sport Fishing and Recreational Boating Safety bill in the 108th Congress, which was later incorporated in the Senate-passed version of the highway reauthorization bill. Unfortunately, the legislation was not enacted before the end of the last session.

In addition to reauthorizing this important program, Senator LOTT and I are introducing legislation that would recover approximately $110 million per year of excise taxes currently being paid by anglers and boaters. Under current law, only 13.5 cents is sent to the Aquatic Resources Trust Fund, which is only a portion of the 18.3 cents that is collected on motorboat and small engine fuels. Restoring the remaining excise taxes will significantly boost funding for the important programs under the Sport Fish Restoration Act. In Wisconsin, this could amount to an additional $3 million annually for fishing and boating activities.

I am very proud to be working with Senator LOTT on this issue. Passing this legislation will be a top priority for me in the 109th Congress. It is an issue that I know is important to the people of Wisconsin: to boaters on the Great Lakes; to the Department of Natural Resources; to anglers on rivers and lakes throughout the state. I can assure every Senator that it is equally important to people in his or her State, and I look forward to working with my colleagues to ensure this legislation's adoption.

By Mr. BOND (for himself, Mr. KENNEDY, Mr. TALENT, Mr. JOHNSON, and Mr. ISAKSON):

S. 424. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Mr. President, with more than 100 different forms, arthritis is one of the most widespread and devastating health conditions in the United states. Nearly 70 million, or one in every three, American adults suffer from arthritis or chronic joint symptoms, and 300,000 children live with the pain, disability and emotional trauma caused by juvenile arthritis.

The number of Americans who live with arthritis will grow as the number of older Americans continues to increase dramatically in the next few decades. As the leading cause of disability in the United States, arthritis is a painful and debilitating chronic disease affecting men, women and children alike; arthritis has no boundaries. Simple, daily tasks like brushing teeth, pouring a cup of coffee, or even getting out of bed become excruciating obstacles for millions of people who suffer from the disease.

The impact of the disease on our health care system is also dramatic. Arthritis results in 750,000 hospitalizations, 44 million outpatient visits, and 4 million days of hospital care every year, according to the Centers for Disease Control and Prevention. The CDC estimates that the annual cost of medical care for arthritis is $51 billion, and the annual total costs, including lost productivity, exceeds $86 billion.

Early diagnosis, treatment, and appropriate management of arthritis are critical to controlling symptoms and improving quality of life. To address these issues, Senator KENNEDY and I are introducing today, the Arthritis Prevention, Control, and Cure Act. This bill will improve coordination among Federal agencies and the public regarding the Federal investment in arthritis research and public health activities through a National Arthritis and Rheumatic Diseases Summit; accelerate research that will lead to improved treatments and a cure for juvenile arthritis; invest in a nationwide public health initiative designed to reduce the pain and disability of arthritis through early diagnosis and effective treatment of the disease; and ensure that kids with arthritis have access to

specialty care by addressing the nationwide shortage of pediatric rheumatologists.

We have a responsibility to look for solutions to this issue in a comprehensive manner, and I think this bill can make a real difference in the lives of the millions of Americans, both young and old, who suffer from this debilitating disease.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues, Senators BOND, TALENT, JOHNSON, and ISAKSON, in introducing the ''Arthritis Prevention, Control, and Cure Act of 2005'', and I commend them for their commitment to this important issue. The bill is the product of extensive cooperation and input from the arthritis community, including health providers, patients, and their families. Through this legislation we hope to lessen the burden of arthritis and other rheumatic diseases on citizens across the Nation.

Seventy million adults—one of every three in the nation—suffer from arthritis or related conditions, and all ages are affected. Nearly two-thirds of its victims are under the age of 65, and 300,000 are children. Arthritis accounts for 4 million days of hospital care each year, and results in 44 million outpatient visits. It costs $51 million in annual medical care, and $86 million more in lost productivity. For 8 million Americans, it is an overwhelming hardship involving serious disability.

In recent years, research into the prevention and treatment of arthritis has led to measures to improve the quality of life for large numbers of persons suffering from the disease. We know that early diagnosis, treatment, and appropriate management are key to success. A National Arthritis Action Plan has been developed that could provide timely information and more effective medical care nationwide, but less than one percent of persons with arthritis are benefiting from the knowledge. With a real commitment, we can bring the highest quality of care to everyone with arthritis.

Our legislation will implement strategies to carry out the National Arthritis Action Plan. That means supporting prevention and treatment programs and developing education and outreach activities. It means coordinating and increasing research for prevention and treatment, and applying the results to every age group affected by the disease.

We include planning grants to support innovative research on juvenile arthritis in order to develop better care and treatment for children, and collect data on its likely causes. We support training for health providers specializing in pediatric rheumatology, so that all children will have greater access to these uniquely qualified physicians.

The legislation will improve the quality of life for large numbers of adults and children. It will save lives, reduce disability, and avoid millions of dollars in medical costs. Citizens everywhere will have greater access to the latest research and medical care to prevent and treat this debilitating disease. I urge our colleagues to support this much needed legislation.

By Mr. JEFFORDS (for himself, Ms. CANTWELL, and Mr. KENNEDY):

S. 426. A bill to enhance national security by improving the reliability of the United States electricity transmission grid, to ensure efficient, reliable and affordable energy to American consumers, and for other purposes, to the Committee on Energy and Natural Resources.

Mr. JEFFORDS. Mr. President, today I am introducing comprehensive legislation to ensure the reliable delivery of electric power in the United States.

Last Congress, in August of 2003, nearly 50 million people in the Northeast and Midwest were affected by a massive power outage. This event emphasized the vulnerability of the U.S. electricity grid to human error, mechanical failure, and weather-related outages. We must act to protect the grid from devastating interruptions in the future. That is why I am introducing this bill today to ensure greater reliability in our electricity delivery system.

My bill, the Electric Reliability Security Act of 2005, will help achieve reliability and security of the electricity grid in an efficient, cost-effective, and environmentally sound manner. It does so by creating mandatory, nationwide electric reliability standards.

The bill also mandates regional coordination in the siting of transmission facilities, and provides $10 billion dollars in loan guarantees to finance ''smart grid'' technologies that improve the way the grid transmits power.

While a $10 billion dollar investment may seem to be a large investment, it is significantly less than the transmission cost estimates that have circulated following the Northeast blackout. Industry experts estimated that it would cost consumers as much as $100 billion dollars to upgrade transmission systems and site new lines to meet future reliability needs.

However, even this hefty price tag does not factor in the costs of additional generation, does not consider the rising cost of natural gas due to increasing electricity consumption, and does not include the environmental and other social costs of continued expansion of our presently centralized power system. Power lines are expensive and are rarely welcomed by the nearby public. The loan guarantees in the bill will help balance the need for new transmission lines by providing federal resources to help improve existing ones.

In addition to addressing system operation and transmission needs, the bill also promotes sound system management. It establishes a Federal system benefits fund as a match for state programs. Historically, regulated electric utility companies have provided a number of energy-related public services beyond simply supplying electricity that benefit the system as a whole. Such services have included bill payment assistance and energy conservation measures for low-income households, energy efficiency programs for residential and business customers, and pilot programs to promote renewable energy resources. More than 20 states, including my home state of Vermont, have public benefits programs. This bill will provide needed federal matching money to States for these programs. Our states can use these funds. They will be able to move more quickly to deploy these low-cost strategies with federal help.

The Alliance to Save Energy estimates that a federal program to match existing state public benefits programs would save 1.24 trillion kilowatt-hours of electricity over 20 years, and cut consumer energy bills by about $100 billion dollars. Mr. President, my bill, which has the potential to save consumers $100 billion dollars is far preferable to raising consumer electricity bills by the $100 billion dollars to raise money for grid expansion. My Vermont constituents would prefer to keep the lights on, and their money in their own pockets. The bill also establishes energy efficiency performance standards for utilities. The United States has experienced tremendous growth in electricity consumption over the past decade. Current estimates are that electricity consumption is increasing at roughly 2 percent per year.

Between 1993 and 1999, U.S. summer peak electricity use alone increased by 95,000 megawatts. This is the equivalent of adding a new, six-state New England to the nation's electricity demand every fourteen months. Energy experts estimate that as much as 50 percent of expected new demand over the next 20 years can be met through consumer efficiency and load management programs. Over the past two decades, utility demand-side efficiency programs have avoided the need for more than 100 300-megawatt power plants. However, with the advent of electricity deregulation, utility spending on these efficiency programs has dropped by almost half. The federal government should seek to correct this trend, and this bill takes a strong first step in that direction by phasing in a requirement that utilities reduce their peak demand for power and their customers' power use between 2006 and 2015.

Finally, the bill enacts standards that enable increased on-site, or distributed, generation to reduce pressure

on the grid and lessen the impact of a blackout should one occur. We have an obligation, Mr. President, to ensure that the electricity grid is secure. We currently have a giant system consisting of almost 200,000 miles of interconnecting lines that constantly shift huge amounts of electricity throughout the country. Such a giant and complex system, traversing miles of city and countryside, is inevitably subject to unforseen problems. Simply making it bigger will never take away all uncertainty, nor can it eliminate the vulnerability of the grid to sabotage or terrorist attack. We should do all we can to make certain such vulnerabilities are reduced.

In summary, I am introducing this legislation because I feel that we should be cautious in our assumptions that the answer to our nation's reliability woes lies primarily in building a bigger, more expansive grid. Simply building more transmission lines is not the answer. Investments in energy efficiency and on-site generation can significantly improve the reliability of the nation's electricity grid and in most cases will be cheaper, faster to implement and more environmentally friendly than large-scale grid expansion. We also must fill the regulatory gaps in the system, which my bill does. Congress should establish mandatory reliability standards and close other regulatory gaps left by state deregulation of the electricity sector. In addition, no national reliability program will be effective or complete without strong incentives for demand-side management programs for efficiency and for on-site generation.

We cannot solve today's energy problems with yesterday's solutions. My bill is an innovative approach to ensuring electric reliability by maximizing energy efficiency, regulatory efficiency, and efficient investment. Given the high costs of power outages to our country, we cannot afford to do otherwise.

I invite my colleagues to join me in my efforts to advance energy security and reliability in the United States. 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. 426

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Electric Reliability Security Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RELIABILITY

Sec. 101. Electric reliability standards.
Sec. 102. Model electric utility workers code.
Sec. 103. Electricity outage investigation.
Sec. 104. Study on reliability of United States energy grid.

TITLE II—EFFICIENCY

Sec. 201. System benefits fund.
Sec. 202. Electricity efficiency performance standard.
Sec. 203. Appliance efficiency.
Sec. 204. Loan guarantees.

TITLE III—ONSITE GENERATION

Sec. 301. Net metering.
Sec. 302. Interconnection.
Sec. 303. Onsite generation for emergency facilities.

TITLE I—RELIABILITY

SEC. 101. ELECTRIC RELIABILITY STANDARDS.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C 824 et seq.) is amended by adding at the end the following:

"SEC. 215. ELECTRIC RELIABILITY.

''(a) DEFINITIONS.—In this section:

''(1)(A) The term 'bulk-power system' means—

''(i) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

''(ii) electric energy from generation facilities needed to maintain transmission system reliability.

''(B) The term 'bulk-power system' does not include facilities used in the local distribution of electric energy.

''(2) The terms 'Electric Reliability Organization' and 'ERO' mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

''(3) The term 'interconnection' means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of 1 or more of such components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the facilities within their control.

''(4) The term 'regional entity' means an entity having enforcement authority pursuant to subsection (e)(4).

''(5)(A) The term 'reliability standard' means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system.

''(B) The term 'reliability standard' includes requirements for the operation of existing bulk-power system facilities and the design of planned additions or modifications to those facilities to the extent necessary to provide for reliable operation of the bulk-power system.

''(C) The term 'reliability standard' does not include any requirement to enlarge a facility described in subparagraph (B) or to construct new transmission capacity or generation capacity.

''(6) The term 'reliable operation' means operating the elements of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance or unanticipated failure of system elements.

''(7) The term 'transmission organization' means a regional transmission organization, independent system operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.

''(b) JURISDICTION AND APPLICABILITY.—(1)(A) The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system, including the entities described in section 201(f), for purposes of approving reliability standards established under this section and enforcing compliance with this section.

''(B) All users, owners, and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

''(2) Not later than 180 days after the date of enactment of this section, the Commission shall issue a final rule to implement this section.

''(c) CERTIFICATION.—(1) Following the issuance of a Commission rule under subsection (b)(2), any person may submit an application to the Commission for certification as the Electric Reliability Organization.

''(2) The Commission may certify an ERO described in paragraph (1) if the Commission determines that the ERO—

''(A) has the ability to develop and enforce, subject to subsection (e)(2), reliability standards that provide for an adequate level of reliability of the bulk-power system; and

''(B) has established rules that—

''(i) ensure the independence of the ERO from the users and owners and operators of the bulk-power system, while ensuring fair stakeholder representation in the selection of directors of the ERO and balanced decisionmaking in any ERO committee or subordinate organizational structure;

''(ii) allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section;

''(iii) provide fair and impartial procedures for enforcement of reliability standards through the imposition of penalties in accordance with subsection (e) (including limitations on activities, functions, or operations, or other appropriate sanctions);

''(iv) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising the duties of the ERO; and

''(v) provide for taking, after certification, appropriate steps to gain recognition in Canada and Mexico.

''(d) RELIABILITY STANDARDS.—(1) The Electric Reliability Organization shall file each reliability standard or modification to a reliability standard that the Electric Reliability Organization proposes to be made effective under this section with the Commission.

''(2)(A) The Commission may approve, by rule or order, a proposed reliability standard or modification to a reliability standard if the Commission determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

''(B) The Commission—

''(i) shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a proposed standard or modification to a reliability standard and to the technical expertise of a regional entity organized on an interconnection-wide basis with respect to a reliability standard to be applicable within that interconnection; but

''(ii) shall not defer with respect to the effect of a standard on competition.

''(C) A proposed standard or modification shall take effect upon approval by the Commission.

''(3) The Electric Reliability Organization shall rebuttably presume that a proposal

from a regional entity organized on an interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

''(4) The Commission shall remand to the Electric Reliability Organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

''(5) The Commission, upon a motion of the Commission or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

''(6)(A) The final rule adopted under subsection (b)(2) shall include fair processes for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission applicable to a transmission organization.

''(B) The transmission organization shall continue to comply with such function, rule, order, tariff, rate schedule, or agreement as is accepted, approved, or ordered by the Commission until—

''(i) the Commission finds a conflict exists between a reliability standard and any such provision;

''(ii) the Commission orders a change to the provision pursuant to section 206; and

''(iii) the ordered change becomes effective under this part.

''(C) If the Commission determines that a reliability standard needs to be changed as a result of such a conflict, the Commission shall order the ERO to develop and file with the Commission a modified reliability standard under paragraph (4) or (5).

''(e) ENFORCEMENT.—(1) Subject to paragraph (2), the ERO may impose a penalty on a user or owner or operator of the bulk-power system for a violation of a reliability standard approved by the Commission under subsection (d) if the ERO, after notice and an opportunity for a hearing—

''(A) finds that the user or owner or operator has violated a reliability standard approved by the Commission under subsection (d); and

''(B) files notice and the record of the proceeding with the Commission.

''(2)(A) A penalty imposed under paragraph (1) may take effect not earlier than the 31st day after the date on which the ERO files with the Commission notice of the penalty and the record of proceedings.

''(B) The penalty shall be subject to review by the Commission upon—

''(i) a motion by the Commission; or

''(ii) application by the user, owner, or operator that is the subject of the penalty filed not later than 30 days after the date on which the notice is filed with the Commission.

''(C) Application to the Commission for review, or the initiation of review by the Commission upon a motion of the Commission, shall not operate as a stay of the penalty unless the Commission orders otherwise upon a motion of the Commission or upon application by the user, owner, or operator that is the subject of the penalty.

''(D) In any proceeding to review a penalty imposed under paragraph (1), the Commission, after notice and opportunity for hearing (which hearing may consist solely of the record before the ERO and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the penalty), shall by order affirm, set aside, reinstate, or modify the penalty, and, if appropriate, remand to the ERO for further proceedings.

''(E) The Commission shall implement expedited procedures for hearings described in subparagraph (D).

''(3) Upon a motion of the Commission or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk-power system if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk-power system has engaged or is about to engage in any act or practice that constitutes or will constitute a violation of a reliability standard.

''(4)(A) The Commission shall issue regulations authorizing the ERO to enter into an agreement to delegate authority to a regional entity for the purpose of proposing reliability standards to the ERO and enforcing reliability standards under paragraph (1) if—

''(i) the regional entity is governed by an independent board, a balanced stakeholder board, or a combination of an independent and balanced stakeholder board;

''(ii) the regional entity otherwise meets the requirements of paragraphs (1) and (2) of subsection (c); and

''(iii) the agreement promotes effective and efficient administration of bulk-power system reliability.

''(B) The Commission may modify a delegation under this paragraph.

''(C) The ERO and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an interconnection-wide basis promotes effective and efficient administration of bulk-power system reliability and should be approved.

''(D) The regulations issued under this paragraph may provide that the Commission may assign the authority of the ERO to enforce reliability standards under paragraph (1) directly to a regional entity in accordance with this paragraph.

''(5) The Commission may take such action as the Commission determines to be appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

''(6) Any penalty imposed under this section shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of the user, owner, or operator to remedy the violation in a timely manner.

''(f) CHANGES IN ELECTRIC RELIABILITY ORGANIZATION RULES.—(1) The Electric Reliability Organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of the basis and purpose of the rule and proposed rule change.

''(2) The Commission, upon a motion of the Commission or upon complaint, may propose a change to the rules of the ERO.

''(3) A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and meets the requirements of subsection (c).

''(g) RELIABILITY REPORTS.—The ERO shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

''(h) COORDINATION WITH CANADA AND MEXICO.—The President is urged to negotiate international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the ERO in the United States and Canada or Mexico.

''(i) SAVINGS PROVISIONS.—(1) The ERO may develop and enforce compliance with reliability standards for only the bulk-power system.

''(2) Nothing in this section authorizes the ERO or the Commission to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

''(3) Nothing in this section preempts any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

''(4) Not later than 90 days after the date of application of the Electric Reliability Organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the ERO.

''(5) The Commission, after consultation with the ERO and the State taking action, may stay the effectiveness of any State action, pending the issuance by the Commission of a final order.

''(j) REGIONAL ADVISORY BODIES.—(1) The Commission shall establish a regional advisory body on the petition of at least ⅔ of the States within a region that have more than ½ of the electric load of the States served within the region.

''(2) A regional advisory body—

''(A) shall be composed of 1 member from each participating State in the region, appointed by the Governor of the State; and

''(B) may include representatives of agencies, States, and provinces outside the United States.

''(3) A regional advisory body may provide advice to the Electric Reliability Organization, a regional entity, or the Commission regarding—

''(A) the governance of an existing or proposed regional entity within the same region;

''(B) whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest;

''(C) whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

''(D) any other responsibilities requested by the Commission.

''(4) The Commission may give deference to the advice of a regional advisory body if that body is organized on an interconnection-wide basis.

''(k) ALASKA AND HAWAII.—This section does not apply to Alaska or Hawaii.''.

(b) STATUS OF ERO.—The Electric Reliability Organization certified by the Federal Energy Regulatory Commission under section 215(c) of the Federal Power Act (as added by subsection (a)) and any regional entity delegated enforcement authority pursuant to section 215(e)(4) of that Act (as so added) are not departments, agencies, or instrumentalities of the United States Government.

SEC. 102. MODEL ELECTRIC UTILITY WORKERS CODE.

Subtitle B of title I of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621 et seq.) is amended by adding at the end the following:

"SEC. 118. MODEL CODE FOR ELECTRIC UTILITY WORKERS.

''(a) IN GENERAL.—The Secretary shall develop by rule and circulate among the States for their consideration a model code containing standards for electric facility workers to ensure electric facility safety and reliability.

''(b) CONSULTATION.—In developing the standards, the Secretary shall consult with all interested parties, including representatives of electric facility workers.

''(c) NOT AFFECTING OCCUPATIONAL SAFETY AND HEALTH.—In issuing a model code under this section, the Secretary shall not, for purposes of section 4 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653), be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.''.

SEC. 103. ELECTRICITY OUTAGE INVESTIGATION.

Part III of the Federal Power Act (16 U.S.C. 824) is amended—

(1) by redesignating sections 320 and 321 (16 U.S.C. 825r, 791a) as sections 321 and 322, respectively; and

(2) by inserting after section 319 (16 U.S.C. 825q) the following:

"SEC. 320. ELECTRICITY OUTAGE INVESTIGATION BOARD.

''(a) ESTABLISHMENT.—There is established an Electricity Outage Investigation Board that shall be an independent establishment within the executive branch.

''(b) MEMBERSHIP.—(1) The Board shall consist of 7 members and shall include—

''(A) the Secretary of Energy (or a designee);

''(B) the Chairperson of the Federal Energy Regulatory Commission (or a designee);

''(C) a representative of the National Academy of Sciences appointed by the President;

''(D) a representative nominated by the majority leader of the Senate and appointed by the President;

''(E) a representative nominated by the minority leader of the Senate and appointed by the President;

''(F) a representative nominated by the majority leader of the House of Representatives and appointed by the President; and

''(G) a representative nominated by the minority leader of the House of Representatives and appointed by the President.

''(2) Each member of the Board shall demonstrate relevant expertise in the field of electricity generation, transmission, and distribution, and such other expertise as will best assist in carrying out the duties of the Board.

''(c) TERMS.—(1) Except as provided in paragraph (2), each member of the Board shall serve for a term of 3 years.

''(2) The Secretary of Energy and the Chairperson of the Federal Energy Regulatory Commission shall be permanent members of the Board.

''(d) DUTIES.—The Board shall—

''(1) upon request by Congress or the President, investigate a major bulk-power system failure in the United States to determine the causes of the failure;

''(2) report expeditiously to Congress and the President the results of the investigation; and

''(3) recommend to Congress and the President actions to minimize the possibility of future bulk-power system failure.

''(e) COMPENSATION.—(1) Each member of the Board shall be paid at the rate payable for level III of the Executive Schedule for each day (including travel time) the member is engaged in the work of the Board.

''(2) Each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.''.

SEC. 104. STUDY ON RELIABILITY OF UNITED STATES ELECTRICITY GRID.

(a) STUDY ON RELIABILITY.—Not later than 45 days after the date of enactment of this Act, the Secretary of Energy shall enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study on the reliability of the United States electricity grid to examine the effectiveness of the current United States electricity transmission and distribution system at providing efficient, secure, and affordable power to United States consumers.

(b) CONTENTS.—The study shall include an analysis of—

(1) the vulnerability of the transmission and distribution system to disruption by natural, mechanical or human causes including sabotage;

(2) the most efficient and cost-effective solutions for dealing with vulnerabilities or other problems of the electricity transmission and distribution system of the United States, including a comparison of investments in—

(A) efficiency;

(B) distributed generation;

(C) technical advances in software and other devices to improve the efficiency and reliability of the grid;

(D) new power line construction; and

(E) any other relevant matters.

(c) REPORT.—The contract shall provide that, not later than 180 days after the date of execution of the contract, the National Academy of Sciences shall submit to the President and Congress a report that details the findings and recommendations of the study.

TITLE II—EFFICIENCY

SEC. 201. SYSTEM BENEFITS FUND.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BOARD.—The term ''Board'' means the System Benefits Trust Fund Board established under subsection (b).

(3) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(4) FARM SYSTEM.—The term ''farm system'' means an electric generating facility that generates electric energy from the anaerobic digestion of agricultural waste produced by farming that is located on the farm where substantially all of the waste used is produced.

(5) FUND.—The term ''Fund'' means the System Benefits Trust Fund established under subsection (c).

(6) RENEWABLE ENERGY.—The term ''renewable energy'' means electricity generated from wind, ocean energy, organic waste (excluding incinerated municipal solid waste), biomass (including anaerobic digestion from farm systems and landfill gas recovery) or a geothermal, solar thermal, or photovoltaic source.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) BOARD.—

(1) ESTABLISHMENT.—The Secretary shall establish a System Benefits Trust Fund Board to carry out the functions and responsibilities described in this section.

(2) MEMBERSHIP.—The Board shall be composed of—

(A) 1 representative of the Federal Energy Regulatory Commission appointed by the Federal Energy Regulatory Commission;

(B) 2 representatives of the Secretary of Energy appointed by the Secretary;

(C) 2 persons nominated by the National Association of Regulatory Utility Commissioners and appointed by the Secretary;

(D) 1 person nominated by the National Association of State Utility Consumer Advocates and appointed by the Secretary;

(E) 1 person nominated by the National Association of State Energy Officials and appointed by the Secretary;

(F) 1 person nominated by the National Energy Assistance Directors' Association and appointed by the Secretary; and

(G) 1 representative of the Environmental Protection Agency appointed by the Administrator.

(3) CHAIRPERSON.—The Secretary shall select a member of the Board to serve as Chairperson of the Board.

(c) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—The Board shall establish an account or accounts at 1 or more financial institutions, which account or accounts shall—

(A) be known as the ''System Benefits Trust Fund''; and

(B) consist of amounts deposited in the Fund under subsection (e).

(2) STATUS OF FUND.—The wires charges collected under subsection (e) and deposited in the Fund—

(A) shall not constitute funds of the United States;

(B) shall be held in trust by the Board solely for the purposes stated in subsection (d); and

(C) shall not be available to meet any obligations of the United States.

(d) USE OF FUND.—

(1) FUNDING OF STATE PROGRAMS.—Amounts in the Fund shall be used by the Board to provide matching funds to States and Indian tribes for the support of State or tribal public benefits programs relating to—

(A) energy conservation and efficiency;

(B) renewable energy sources;

(C) assisting low-income households in meeting their home energy needs; or

(D) research and development in areas described in subparagraphs (A) through (C).

(2) DISTRIBUTION.—

(A) IN GENERAL.—Except for amounts needed to pay costs of the Board in carrying out its duties under this section, the Board shall distribute all amounts in the Fund to States or Indian tribes to fund public benefits programs under paragraph (1).

(B) FUND SHARE.—

(i) IN GENERAL.—Subject to clause (iii), the Fund share of a public benefits program funded under paragraph (1) shall be 50 percent.

(ii) PROPORTIONATE REDUCTION.—To the extent that the amount of matching funds requested by States and Indian tribes exceeds the maximum projected revenues of the Fund, the matching funds distributed to each State and Indian tribe shall be reduced by an amount equal to the proportion that the annual consumption of electricity of the State or Indian tribe bears to the annual consumption of electricity of all States and Indian tribes.

(iii) ADDITIONAL STATE OR INDIAN TRIBE FUNDING.—A State or Indian tribe may apply funds to public benefits programs in addition

to the amount of funds applied for the purpose of matching the Fund share.

(3) PROGRAM CRITERIA.—The Board shall recommend eligibility criteria for public benefits programs funded under this section for approval by the Secretary.

(4) APPLICATION.—Not later than August 1 of each year beginning in 2006, a State or Indian tribe seeking matching funds for the following fiscal year shall file with the Board, in such form as the Board may require, an application—

(A) certifying that the funds will be used for an eligible public benefits program;

(B) stating the amount of State or Indian tribe funds earmarked for the program; and

(C) summarizing how amounts from the Fund from the previous calendar year (if any) were spent by the State and what the State accomplished as a result of the expenditures.

(e) WIRES CHARGE.—

(1) DETERMINATION OF NEEDED FUNDING.—Not later than September 1 of each year, the Board shall determine and inform the Commission of the aggregate amount of wires charges that will be necessary to be paid into the Fund to pay matching funds to States and Indian tribes and pay the operating costs of the Board in the following fiscal year.

(2) IMPOSITION OF WIRES CHARGE.—

(A) IN GENERAL.—Not later than December 15 of each year, the Commission shall impose a nonbypassable, competitively neutral wires charge, to be paid directly into the Fund by the operator of the wire, on electricity carried through the wire (measured as the electricity exits at the busbar at a generation facility, or, for electricity generated outside the United States, at the point of delivery to the wire operator's system) in interstate commerce.

(B) AMOUNT.—The wires charge shall be set at a rate equal to the lesser of—

(i) 1.0 mills per kilowatt hour; or

(ii) a rate that is estimated to result in the collection of an amount of wires charges that is, to the maximum extent practicable, equal to the amount of needed funding determined under paragraph (1).

(3) DEPOSIT IN THE FUND.—The wires charge shall be paid by the operator of the wire directly into the Fund at the end of each month during the calendar year for distribution by the Board under subsection (c).

(4) PENALTIES.—The Commission may assess against a wire operator that fails to pay a wires charge as required by this subsection a civil penalty in an amount equal to not more than the amount of the unpaid wires charge.

(f) AUDITING.—

(1) IN GENERAL.—The Fund shall be audited annually by a firm of independent certified public accountants in accordance with generally accepted auditing standards.

(2) ACCESS TO RECORDS.—Representatives of the Secretary and the Commission shall have access to all books, accounts, reports, files, and other records pertaining to the Fund as necessary to facilitate and verify the audit.

(3) REPORTS.—

(A) IN GENERAL.—A report on each audit shall be submitted to the Secretary, the Commission, and the Secretary of the Treasury, who shall submit the report to the President and Congress not later than 180 days after the end of the fiscal year.

(B) REQUIREMENTS.—An audit report shall—

(i) set forth the scope of the audit; and

(ii) include—

(I) a statement of assets and liabilities, capital, and surplus or deficit;

(II) a surplus of deficit analysis;

(III) a statement of income and expenses;

(IV) any other information that may be considered necessary to keep the President and Congress informed of the operations and financial condition of the Fund; and

(V) any recommendations with respect to the Fund that the Secretary or the Commission may have.

SEC. 202. ELECTRICITY EFFICIENCY PERFORMANCE STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621 note) is amended by adding at the end the following:

"SEC. 609. FEDERAL ELECTRICITY EFFICIENCY PERFORMANCE STANDARD.

''(a) IN GENERAL.—Each electric retail supplier shall implement energy efficiency and load reduction programs and measures to achieve verified improvements in energy efficiency and peak load reduction in retail customer facilities and the distribution systems that serve those facilities.

''(b) POWER SAVINGS.—The programs and measures under subsection (a) shall produce savings in total peak power demand and total electricity use by retail customers by an amount that is equal to or greater than the following percentages relative to the peak demand and electricity used in that year by the retail electric supplier's customers:

	Reduction in demand	Reduction in use
In calendar year 2006	1%	.75%
In calendar year 2007	2%	1.5%
In calendar year 2009	4%	3.0%
In calendar year 2011	6%	4.5%
In calendar year 2013	8%	6.0%
In calendar year 2015	10%	7.5%

''(c) BEGINNING DATE.—For purposes of this section, savings shall be counted only for measures installed after January 1, 2006.

''(d) RULEMAKING.—(1) Not later than June 30, 2005, the Secretary shall establish, by rule—

''(A) procedures and standards for counting and independently verifying energy and demand savings for purposes of enforcing the energy efficiency performance standards imposed by this section; and

''(B) procedures and a schedule for reporting findings to the Department of Energy and for making the reports available to the public.

''(2) In developing the procedures, standards, and schedule under paragraph (1), the Secretary shall consult with—

''(A) the association representing public utility regulators in the United States; and

''(B) the association representing the State energy officials in the United States.

''(e) REPORTING.—(1) Not later than June 30, 2008, and every 2 years thereafter, each retail electric supplier shall file with the State public utilities commission in each State in which the supplier provides service to retail customers a report demonstrating that the retail electric supplier has taken action to comply with the energy efficiency performance standards of this section.

''(2) A report filed under paragraph (1) shall include independent verification of the estimated savings pursuant to standards established by the Secretary.

''(3)(A) A State public utilities commission may—

''(i) accept a report as filed under paragraph (1); or

''(ii) review and investigate the accuracy of the report.

''(B) Each State public utilities commission shall—

''(i) make findings on any deficiencies relating to the requirements under section 2; and

''(ii) issue a remedial order for the correction of any deficiencies that are found.

''(f) UTILITIES OUTSIDE STATE JURISDICTION.—(1) An electric retail supplier that is not subject to the jurisdiction of a State public utilities commission shall submit reports in accordance with subsection (e) to the governing body of the electric retail supplier.

''(2) A report submitted under paragraph (1) shall include independent verification of the estimated savings pursuant to standards established by the Secretary.

''(g) PROGRAM PARTICIPATION.—(1) An electric retail supplier may demonstrate satisfaction of the standard under this section, in whole or part, by savings achieved through participation in statewide, regional, or national programs that can be demonstrated to significantly improve the efficiency of electric distribution and use.

''(2) Verified efficiency savings resulting from programs described in paragraph (1) may be assigned to each participating retail supplier based upon the degree of participation of the supplier in the programs.

''(3) An electric retail supplier may purchase rights to extra savings achieved by other electric retail suppliers if the selling supplier or another electric retail supplier does not also take credit for those savings.

''(h) REMEDIES FOR FAILURE TO COMPLY.—(1) In the event that any retail electric supplier fails to achieve its energy savings or load reduction target for a specific year, any aggrieved party may bring a civil action or file an administrative claim to seek prompt remedial action before a State public utilities commission (or, in the case of an electric retail supplier not subject to State public utility commission jurisdiction, before an appropriate governing body).

''(2)(A) The State public utilities commission or other appropriate governing body shall have a maximum of 1 year to craft a remedy for a civil action or claim filed under paragraph (1).

''(B) If a State public utilities commission or other governing body certifies that the commission or body has inadequate resources or authority to promptly resolve enforcement actions under this section, or fails to take action within the time period specified in subparagraph (A), the commission or body or an aggrieved party may seek enforcement in Federal district court.

''(3)(A) If a commission or court determines that energy savings or load reduction targets for a specific year have not been achieved by a retail electric supplier under this section, the commission or court shall—

''(i) determine the amount of the deficit; and

''(ii) fashion an equitable remedy to restore the lost savings as soon as practicable.

''(B) A remedy under subparagraph (A)(ii) may include—

''(i) a refund to retail electric customers of an amount equal to the retail cost of the electricity consumed due to the failure to reach the target; and

''(ii) the appointment of a special master to administer a bidding system to procure the energy and demand savings equal to 125 percent of the deficit.''.

SEC. 203. APPLIANCE EFFICIENCY.

Section 325(d)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)(3)) is amended by striking subparagraph (B) and inserting the following:

''(B) Not later than January 1, 2009, the Secretary shall publish a final rule to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. The rule shall address both system annual energy use and peak electric demand and may include more than 1 efficiency descriptor. The rule shall apply to products manufactured on or after January 1, 2012.''.

SEC. 204. LOAN GUARANTEES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ACTIVITY.—The term ''eligible activity'' means—

(A) advanced technologies for high-efficiency electricity transmission control and operation, including high-efficiency power electronics technologies (including software-controlled computer chips and sensors to diagnose trouble spots and re-route power into appropriate areas), high-efficiency electricity storage systems, and high-efficiency transmission wire or transmission cable system;

(B) distributed generation systems fueled solely by—

(i) solar, wind, biomass, geothermal, or ocean energy;

(ii) landfill gas;

(iii) natural gas systems utilizing best available control technology;

(iv) fuel cells; or

(v) any combination of the above;

(C) combined heat and power systems; and

(D) energy efficiency systems producing demonstrable electricity savings.

(2) QUALIFYING ENTITY.—The term ''qualifying entity'' means an individual, corporation, partnership, joint venture, trust or other entity identified by the Secretary under subsection (d)(1) as eligible for a guaranteed loan under this section.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) AUTHORITY.—The Secretary may guarantee not more than 50 percent of the principal of any loan made to a qualifying entity for eligible activities under this section.

(c) CONDITIONS.—

(1) IN GENERAL.—The Secretary shall not guarantee a loan under this section unless—

(A) the guarantee is a qualifying entity;

(B) the guarantee has filed an application with the Secretary;

(C) the project, activity, program, or system for which the loan is made is an eligible activity; and

(D) the project, activity, program, or system for which the loan is made will significantly enhance the reliability, security, efficiency, and cost-effectiveness of electricity generation, transmission or distribution.

(2) PRIORITY.—The Secretary shall give priority to guaranteed loans under this section for eligible activities that accomplish the objectives of this section in the most environmentally beneficial manner.

(3) ELIGIBLE FINANCIAL INSTITUTIONS.—A loan guaranteed under this section shall be made by a financial institution subject to the examination of the Secretary.

(d) RULES.—Not later than 1 year after the date of enactment of this section, the Secretary shall publish a final rule establishing guidelines for loan requirements under this section, including establishment of—

(1) criteria for determining which entities shall be considered qualifying entities eligible for loan guarantees under this section;

(2) criteria for determining which projects, activities, programs, or systems shall be considered eligible activities eligible for loan guarantees in accordance with the purposes of this section;

(3) loan requirements including term, maximum size, collateral requirements; and

(4) any other relevant features.

(e) LIMITATION ON SIZE.—The Secretary may make commitments to guarantee loans under this section only to the extent that the total principal, any part of which is guaranteed, will not exceed $10,000,000,000.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to cover the cost of loan guarantees (as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2. U.S.C. 661a(5))) under this section.

TITLE III—ONSITE GENERATION

SEC. 301. NET METERING.

(a) ADOPTION OF STANDARD.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(11) NET METERING.—

''(A) IN GENERAL.—Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves.

''(B) REFERENCES.—For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of this paragraph.''.

(b) SPECIAL RULES FOR NET METERING.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

''(i) NET METERING.—(1) In this subsection:

''(A) The term 'eligible onsite generating facility' means—

''(i) a facility on the site of a residential electric consumer with a maximum generating capacity of 25 kilowatts or less; or

''(ii) a facility on the site of a commercial electric consumer with a maximum generating capacity of 1,000 kilowatts or less,

that is fueled solely by a renewable energy resource.

''(B) The term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible onsite generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

''(C) The term 'renewable energy resource' means—

''(i) solar, wind, biomass, geothermal, or wave energy;

''(ii) landfill gas;

''(iii) fuel cells; and

''(iv) a combined heat and power system.

''(2) In undertaking the consideration and making the determination concerning net metering established by section 111(d)(11), the following shall apply:

''(A) An electric utility—

''(i) shall charge the owner or operator of an onsite generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class; and

''(ii) shall not charge the owner or operator of an onsite generating facility any additional standby, capacity, interconnection, or other rate or charge.

''(B) An electric utility that sells electric energy to the owner or operator of an onsite generating facility shall measure the quantity of electric energy produced by the onsite facility and the quantity of electricity consumed by the owner or operator of an onsite generating facility during a billing period in accordance with normal metering practices.

''(C) If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the onsite generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with normal metering practices.

''(D) If the quantity of electric energy supplied by the onsite generating facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the onsite generating facility during the billing period—

''(i) the electric utility may bill the owner or operator of the onsite generating facility for the appropriate charges for the billing period in accordance with subparagraph (B); and

''(ii) the owner or operator of the onsite generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

''(E) An eligible onsite generating facility and net metering system used by an electric consumer shall meet all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

''(F) The Commission, after consultation with State regulatory authorities and nonregulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for onsite generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

''(G) An electric utility must provide net metering services to electric consumers until the cumulative generating capacity of net metering systems equals 1.0 percent of the utility's peak demand during the most recent calendar year.

''(H) Nothing in this subsection precludes a State from imposing additional requirements regarding the amount of net metering available within a State consistent with the requirements of this section.''.

SEC. 302. INTERCONNECTION.

(a) DEFINITIONS.—Section 3 of the Federal Power Act (16 U.S.C. 796) is amended—

(1) by striking paragraph 23 and inserting the following:

''(23) TRANSMITTING UTILITY.—The term 'transmitting utility' means any entity (notwithstanding section 201(f)) that owns, controls, or operates an electric power transmission facility that is used for the sale of electric energy.''; and

(2) by adding at the end the following:

''(26) APPROPRIATE REGULATORY AUTHORITY.—The term 'appropriate regulatory authority' means—

''(A) the Commission;

''(B) a State commission;

''(C) a municipality; or

''(D) a cooperative that is self-regulating under State law and is not a public utility.

''(27) GENERATING FACILITY.—The term 'generating facility' means a facility that generates electric energy.

''(28) LOCAL DISTRIBUTION UTILITY.—The term 'local distribution facility' means an entity that owns, controls, or operates an electric power distribution facility that is used for the sale of electric energy.

''(29) NON-FEDERAL REGULATORY AUTHORITY.—The term 'non-Federal regulatory authority' means an appropriate regulatory authority other than the Commission.''.

(b) INTERCONNECTION TO DISTRIBUTION FACILITIES.—Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

''(e) INTERCONNECTION TO DISTRIBUTION FACILITIES.—(1)(A) A local distribution utility shall interconnect a generating facility with the distribution facilities of the local distribution utility if the owner of the generating facility—

''(i) complies with the final rule promulgated under paragraph (2); and

''(ii) pays the costs of the interconnection.

''(B) The costs of the interconnection—

''(i) shall be just and reasonable, and not unduly discriminatory or preferential, as determined by the appropriate regulatory authority; and

''(ii) shall be comparable to the costs charged by the local distribution utility for interconnection by any similarly situated generating facility to the distribution facilities of the local distribution utility.

''(C) The right of a generating facility to interconnect under subparagraph (A) does not relieve the generating facility or the local distribution utility of other Federal, State, or local requirements.

''(2) Not later than 180 days after the date of enactment of this subparagraph, the Commission shall promulgate final rules establishing reasonable and appropriate technical standards for the interconnection of a generating facility with the distribution facilities of a local distribution utility.

''(3)(A) In accordance with subparagraph (B) a local distribution utility shall offer to sell backup power to a generating facility that has interconnected with the local distribution utility to the extent that the local distribution utility—

''(i) is not subject to an order of a non-Federal regulatory authority to provide open access to the distribution facilities of the local distribution utility;

''(ii) has not offered to provide open access to the distribution facilities of the local distribution utility; or

''(iii) does not allow a generating facility to purchase backup power from another entity using the distribution facilities of the local distribution utility.

''(B) A sale of backup power under subparagraph (A) shall be at such a rate, and under such terms and conditions as are just and reasonable and not unduly discriminatory or preferential, taking into account the actual incremental cost, whenever incurred by the local distribution utility, to supply such backup power service during the period in which the backup power service is provided, as determined by the appropriate regulatory authority.

''(C) A local distribution utility shall not be required to offer backup power for resale to any entity other than the entity for which the backup power is purchased.

''(D) To the extent backup power is used to serve a new or expanded load on the distribution system, the generating facility shall pay any reasonable cost associated with any transmission, distribution, or generating upgrade required to provide such service.''.

(c) INTERCONNECTION TO TRANSMISSION FACILITIES.—Section 210 of the Federal Power Act (16 U.S.C. 824i) (as amended by subsection (b)) is amended by inserting after subsection (e) the following:

''(f) INTERCONNECTION TO TRANSMISSION FACILITIES.—(1)(A) Notwithstanding subsections (a) and (c), a transmitting utility shall interconnect a generating facility with the transmission facilities of the transmitting utility if the owner of the generating facility—

''(i) complies with the final rules promulgated under paragraph (2); and

''(ii) pays the costs of interconnection.

''(B) Subject to subparagraph (C), the costs of interconnection—

''(i) shall be just and reasonable and not unduly discriminatory or preferential; and

''(ii) shall be comparable to the costs charged by the transmitting utility for interconnection by any similarly situated generating facility to the transmitting facilities of the transmitting utility.

''(C) A non-Federal regulatory authority that is authorized under Federal law to determine the rates for transmission service shall be authorized to determine the costs of any interconnection under this subparagraph.

''(D) The right of a generating facility to interconnect under subparagraph (A) does not relieve the generating facility or the transmitting utility of other Federal, State, or local requirements.

''(2) Not later than 180 days after the date of enactment of this subparagraph, the Commission shall promulgate rules establishing reasonable and appropriate technical standards for the interconnection of a generating facility with the transmission facilities of a transmitting utility.

''(3)(A) In accordance with subparagraph (B), a transmitting utility shall offer to sell backup power to a generating facility that has interconnected with the transmitting utility unless—

''(i) Federal or State law allows a generating facility to purchase backup power from an entity other than the transmitting utility; or

''(ii) a transmitting utility allows a generating facility to purchase backup power from an entity other than the transmitting utility using the transmission facilities of the transmitting utility and the transmission facilities of any other transmitting utility.

''(B) A sale of backup power under subparagraph (A) shall be at such a rate and under such terms and conditions as are just and reasonable and not unduly discriminatory or preferential, taking into account the actual incremental cost, whenever incurred by the local distribution utility, to supply such backup power service during the period in which the backup power service is provided, as determined by the appropriate regulatory authority.

''(C) A transmitting utility shall not be required to offer backup power for resale to any entity other than the entity for which the backup power is purchased.

''(D) To the extent backup power is used to serve a new or expanded load on the transmission system, the generating facility shall pay any reasonable costs associated with any transmission, distribution, or generation upgrade required to provide the service.''.

(d) CONFORMING AMENDMENTS.—Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''transmitting utility, local distribution utility,'' after ''electric utility,''; and

(B) in subparagraph (A), by inserting ''any transmitting utility,'' after ''small power production facility,'';

(2) in subsection (b)(2), by striking ''an evidentiary hearing'' and inserting ''a hearing'';

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(D) promote competition in electricity markets, and''; and

(4) in subsection (d), by striking the last sentence.

SEC. 303. ONSITE GENERATION FOR EMERGENCY FACILITIES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE FACILITY.—The term ''eligible facility'' means a building owned or operated by a State or local government that is used for—

(A) critical governmental dispatch and communication;

(B) police, fire, or emergency services;

(C) traffic control systems; or

(D) public water or sewer systems.

(2) RENEWABLE UNINTERRUPTIBLE POWER SUPPLY SYSTEM.—The term ''renewable uninterruptible power supply system'' means a system designed to maintain electrical power to critical loads in a public facility in the event of a loss or disruption in conventional grid electricity, where such system derives its energy production or storage capacity solely from—

(A) solar, wind, biomass, geothermal, or ocean energy;

(B) natural gas;

(C) landfill gas;

(D) a fuel cell device; or

(E) a combination of energy described in subparagraphs (A) through (D).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) DEMONSTRATION AND TECHNOLOGY TRANSFER PROGRAM.—The Secretary shall establish a demonstration program for the implementation of innovative technologies for renewable uninterruptible power supply systems located in eligible buildings and for the dissemination of information on those systems to interested parties.

(c) LIMIT ON FEDERAL FUNDING.—The Secretary shall provide not more than 40 percent of the costs of projects funded under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2006 through 2009.

By Mr. JEFFORDS (for himself, Ms. SNOWE, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. KENNEDY, Mr. REED, Mr. KERRY, Mr. DODD, Mrs. BOXER, and Mr. LAUTENBERG):

S. 427. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for a Federal renewable portfolio standard; to the Committee on Energy and Natural Resources.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Renewable Energy Investment Act of 2005 to accelerate the use of clean, domestic renewable energy sources as an integral part of our Nation's electrical generation.

A recent episode of the television show, West Wing, portrayed renewable energy as science fiction. The truth is closer to Reality TV.

Eighteen States, plus the District of Columbia, have already instituted minimum renewable standards. This bill

would establish a national renewable portfolio standard requiring that, by the year 2020, 20 percent of U.S. electricity be derived from clean, domestically produced renewable energy including wind, solar, biomass, geothermal and wave energy.

As the ranking member of the Senate Environment and Public Works Committee, I think obtaining 20 percent of our country's electricity from renewable energy represents the modest end of what we could achieve.

Let me offer five reasons why I believe we need a national commitment to encourage renewable power.

First, renewable power would help consumers by reducing electricity prices. According to data provided by the Bush administration's Energy Department, a 20 percent renewables requirement similar to that set forth in the bill I am introducing today would lower consumer energy costs by the year 2020. Why? Because adding additional renewables to our energy mix will decrease the pressure on natural gas supplies, bringing overall costs down.

This point is worth repeating. Despite concerns from those in the fossil fuel and nuclear industries, the Department of Energy has consistently found that a mandatory renewable portfolio standard would not raise overall energy costs and would have no significant adverse impact on America's wallets.

Estimates are that reaching 10 percent renewable energy production by the year 2020 could reduce the demand for natural gas by as much as 1.4 trillion cubic feet, and could reduce the price of natural gas by 6 percent. With the higher renewable portfolio standard in my bill, the price reductions are even greater.

I have received letters from the chemical industry expressing deep concern about the high price of natural gas, and imploring me to take steps to help alleviate shortages and reduce costs.

Much to my consternation, however, neither the chemical industry, nor this administration have addressed the obvious link between increasing renewable energy production and easing demand on natural gas supplies. Instead, their solutions have been to open sensitive lands to more drilling, reduce environmental compliance and advance clean coal technologies.

Whatever merits there may be to some of their suggestions, an obvious step that should be taken is diversifying our energy sector and easing the growing demand on natural gas by promoting other clean energies which can be readily produced on American soil.

The second reason for a national commitment to encourage renewable power is the public health and environmental benefits.

Electricity generation is the leading source of U.S. carbon emissions, accounting for over 40 percent of the total. Carbon dioxide emissions are the primary greenhouse gas, contributing to harmful climate change. A 20 percent renewables requirement would, according to the U.S. Department of Energy, reduce carbon emissions from power plants by up to 18 percent by the year 2020.

A 20 percent renewables requirement would also significantly reduce emissions of sulfur and nitrogen oxides. These pollutants contaminate our water, cause smog and acid rain, and contribute to respiratory illnesses. As a result, a renewable portfolio standard would help alleviate asthma, which has become the most common chronic disease for children.

Coal burning electric power plants are also the largest source of mercury pollution, releasing an estimated 98,000 pounds of mercury directly into the air, and generating an additional 80,000 pounds a year in mercury tainted waste. A renewable portfolio standard would help the estimated five million women and children regularly exposed to mercury at levels that EPA considers unsafe.

And according to the Department of Energy, these public health benefits would be achieved without raising consumer energy costs.

Third, a 20 percent renewable portfolio standard would enhance our national security by diversifying our energy supply. As we increase our reliance on natural gas, much of the demand may have to be met by liquified natural gas shipped to the U.S. from other countries. It is unthinkable that we should sink to greater reliance on foreign fuel imports when we have abundant, inexhaustible renewable energy right here.

Further, much of the U.S. energy system including power plants, refineries, and pipelines, present significant safety and security risks. Renewable energy facilities are generally smaller, more geographically dispersed and do not involve disposal or transportation of radioactive or combustible materials.

A 20 percent renewable portfolio standard such as I offer today will help bring the costs of on-site generation down even further, making providing your own electricity a reality for a growing number of homes and facilities. In these times when we worry about the potential security of our energy grid, that option becomes increasingly attractive.

Fourth, a national renewable portfolio standard builds on the successful experiments by the States. To date, 18 States, plus the District of Columbia, have adopted mandatory renewable energy standards. These State programs provide excellent incentives for renewable energy. In September 2004, New York created the second-largest new renewable energy market in the country, behind only California, when the state Public Service Commission adopted a standard of 24 percent by 2013. Earlier in 2004, Hawaii, Maryland, and Rhode Island also enacted minimum renewable electricity standards.

Texas has one of the most successful state programs. The Texas Renewable portfolio standard was signed into law by then Governor George W. Bush, and administered by Pat Wood, who now chairs the Federal Energy Regulatory Commission. These men know the value of renewable energy. Texas now has enough wind power to run about 300,000 homes a year, with huge benefits to ranchers who can lease acreage for wind turbines.

However, as good as these State efforts are, they are subject to the inherent limitation that they can only address electricity sales and production within their own State boundaries. Yet as we know, electricity generation and transmission are regional in nature. State renewable requirements alone cannot provide the market and other mechanisms necessary to address regional and national electricity transmission.

But these State programs demonstrate that renewables requirements can work, and operate to the benefit of consumers.

Finally, I call for a national commitment to encourage renewable power because a cleaner energy future is in our grasp. The U.S. has the technical capacity to generate 4.5 times its current electricity needs from renewable energy resources. European investment continues to outstrip U.S. markets, but that is changing. Worldwide, approximately 6,500 megawatts of new wind energy generating capacity were installed, amounting to annual sales of about $7 billion. Almost a third of that came from the United States, which installed nearly 1,700 megawatts of new wind energy in 2001, or $1.7 billion worth of new wind energy generating capacity.

Yet, renewable energy still accounts for only a little over 2 percent of U.S. electricity generation.

It is not that we expect this renewable portfolio standard to make conventional energy sources obsolete. Undoubtedly, fossil, nuclear and other fuels will be with us for some time. But isn't it time that we charted our future with cleaner energies? The potential is there, but we have to give it the assistance of market incentives, as we have traditionally done for our more established fuel sources.

I urge my colleagues to again demonstrate our strong commitment to renewables and support my 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. 427

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 ''Renewable Energy Investment Act of 2005''.

SEC. 2. RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''SEC. 606. FEDERAL RENEWABLE PORTFOLIO STANDARD.

''(a) DEFINITIONS.—In this section:

''(1) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) organic material from a plant that is planted for the purpose of being used to produce energy;

''(ii) nonhazardous, cellulosic or agricultural waste material that is segregated from other waste materials and is derived from—

''(I) a forest-related resource, including—

''(aa) mill and harvesting residue;

''(bb) precommercial thinnings;

''(cc) slash; and

''(dd) brush;

''(II) agricultural resources, including—

''(aa) orchard tree crops;

''(bb) vineyards;

''(cc) grains;

''(dd) legumes;

''(ee) sugar; and

''(ff) other crop by-products or residues; or

''(III) miscellaneous waste such as—

''(aa) waste pallet;

''(bb) crate; and

''(cc) landscape or right-of-way tree trimmings; and

''(iii) animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon.

''(B) EXCLUSIONS.—The term 'biomass' shall not include—

''(i) municipal solid waste that is incinerated;

''(ii) recyclable post-consumer waste paper;

''(iii) painted, treated, or pressurized wood;

''(iv) wood contaminated with plastics or metals; or

''(v) tires.

''(2) DISTRIBUTED GENERATION.—The term 'distributed generation' means reduced electricity consumption from the electric grid due to use by a customer of renewable energy generated at a customer site.

''(3) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional generation achieved from increased efficiency after January 1, 2005, at a hydroelectric dam that was placed in service before January 1, 2005.

''(4) LANDFILL GAS.—The term 'landfill gas' means gas generated from the decomposition of household solid waste, commercial solid waste, and industrial solid waste disposed of in a municipal solid waste landfill unit (as those terms are defined in regulations promulgated under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)).

''(5) RENEWABLE ENERGY.—The term 'renewable energy' means electricity generated from

''(A) a renewable energy source; or

''(B) hydrogen that is produced from a renewable energy source.

''(6) RENEWABLE ENERGY SOURCE.—The term 'renewable energy source' means—

''(A) wind;

''(B) ocean waves;

''(C) biomass;

''(D) solar;

''(E) landfill gas;

''(F) incremental hydropower; or

''(G) geothermal.

''(7) RETAIL ELECTRIC SUPPLIER.—The term 'retail electric supplier' means a person or entity that sells retail electricity to consumers, and which sold not less than 500,000 megawatt-hours of electric energy to consumers for purposes other than resale during the preceding calendar year.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(b) RENEWABLE ENERGY REQUIREMENTS.—

''(1) IN GENERAL.—For each calendar year beginning in Calendar year 2006, each retail electric supplier shall submit to the Secretary, not later than April 30 of each year, renewable energy credits in an amount equal to the required annual percentage of the retail electric supplier's total amount of kilowatt-hours of non-hydropower (excluding incremental hydropower) electricity sold to retail consumers during the previous calendar year.

''(2) CARRYOVER.—A renewable energy credit for any year that is not used to satisfy the minimum requirement for that year may be carried over for use within the next two years.

''(c) REQUIRED ANNUAL PERCENTAGE.—Of the total amount of non-hydropower (excluding incremental hydropower) electricity sold by each retail electric supplier during a calendar year, the amount generated by renewable energy sources shall be not less than the percentage specified below:

''Calendar years:	Percentage of Renewable energy Each year:
2006–2009	5
2010–2014	10
2015–2019	15
2020 and subsequent years	20

''(d) SUBMISSION OF RENEWABLE ENERGY CREDITS.—

''(1) IN GENERAL.—To meet the requirements under subsection (b), a retail electric supplier shall submit to the Secretary either—

''(A) renewable energy credits issued to the retail electric supplier under subsection (f);

''(B) renewable energy credits obtained by purchase or exchange under subsection (g);

''(C) renewable energy credits purchased from the United States under subsection (h); or

''(D) any combination of credits under subsections (f), (g) or (h).

''(2) PROHIBITION ON DOUBLE COUNTING.—A credit may be counted toward compliance with subsection (b) only once.

''(e) RENEWABLE ENERGY CREDIT PROGRAM.—The Secretary shall establish, not later than 1 year after the date of enactment of this Act, a program to issue, monitor the sale or exchange of, and track, renewable energy credits.

''(f) ISSUANCE OF RENEWABLE ENERGY CREDITS.—

''(1) IN GENERAL.—Under the program established in subsection (e), an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits.

''(2) APPLICATION.—An application for the issuance of renewable energy credits shall indicate—

''(A) the type of renewable energy resource used to produce the electric energy;

''(B) the State in which the electric energy was produced; and

''(C) any other information the Secretary determines appropriate.

''(3) CREDIT VALUE.—Except as provided in subparagraph (4), the Secretary shall issue to an entity applying under this subsection 1 renewable energy credit for each kilowatt-hour of renewable energy generated in any State from the date of enactment of this Act and in each subsequent calendar year.

''(4) CREDIT VALUE FOR DISTRIBUTED GENERATION.—The Secretary shall issue 3 renewable energy credits for each kilowatt-hour of distributed generation.

''(5) VESTING.—A renewable energy credit will vest with the owner of the system or facility that generates the renewable energy unless such owner explicitly transfers the credit.

''(6) CREDIT ELIGIBILITY.—To be eligible for a renewable energy credit, the unit of electricity generated through the use of a renewable energy resource shall be sold for retail consumption or used by the generator. If both a renewable energy resource and a nonrenewable energy resource are used to generate the electric energy, the Secretary shall issue renewable energy credits based on the proportion of the renewable energy resource used.

''(7) IDENTIFYING CREDITS.—The Secretary shall identify renewable energy credits by the type and date of generation.

''(8) SALE UNDER PURPA CONTRACT.—When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a–3), the retail electric supplier is treated as the generator of the electric energy for the purposes of this Act for the duration of the contract.

''(g) SALE OR EXCHANGE OF RENEWABLE ENERGY CREDITS.—A renewable energy credit may be sold or exchanged by the entity issued the renewable energy credit or by any other entity that acquires the renewable energy credit. Credits may be sold or exchanged in any manner not in conflict with existing law, including on the spot market or by contractual arrangements of any duration.

''(h) PURCHASE FROM THE UNITED STATES.—The Secretary shall offer renewable energy credits for sale at the lesser of three cents per kilowatt-hour or 110 percent of the average market value of credits for the applicable compliance period. On January 1 of each year following calendar year 2006, the Secretary shall adjust for inflation the price charged per credit for such calendar year.

''(i) STATE PROGRAMS.—Nothing in this section shall preclude any State from requiring additional renewable energy generation in the State under any renewable energy program conducted by the State.

''(j) CONSUMER ALLOCATION.—The rates charged to classes of consumers by a retail electric supplier shall reflect a proportional percentage of the cost of generating or acquiring the required annual percentage of renewable energy under subsection (b). A retail electric supplier shall not represent to any customer or prospective customer that any product contains more than the percentage of eligible resources if the additional amount of eligible resources is being used to satisfy the renewable generation requirement under subsection (b).

''(k) ENFORCEMENT.—A retail electric supplier that does not submit renewable energy credits as required under subsection (b) shall be liable for the payment of a civil penalty. That penalty shall be calculated on the basis of the number of renewable energy credits not submitted, multiplied by the lesser of 4.5

cents or 300 percent of the average market value of credits for the compliance period.

''(l) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

''(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section;

''(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary; and

''(3) the quantity of electricity sales of all retail electric suppliers.

''(m) VOLUNTARY PARTICIPATION.—The Secretary may issue a renewable energy credit pursuant to subsection (f) to any entity not subject to the requirements of this Act only if the entity applying for such credit meets the terms and conditions of this Act to the same extent as entities subject to this Act.

''(n) STATE RENEWABLE ENERGY GRANT PROGRAM.—

''(1) DISTRIBUTION TO STATES.—The Secretary shall distribute amounts received from sales under subsection (h) and from amounts received under subsection (k) to States to be used for the purposes of this section.

''(2) REGIONAL EQUITY PROGRAM.—

''(A) ESTABLISHMENT OF PROGRAM.—Within 1 year from the date of enactment of this Act, the Secretary shall establish a program to promote renewable energy production and use consistent with the purposes of this section.

''(B) ELIGIBILITY.—The Secretary shall make funds available under this section to State energy agencies for grant programs for—

''(i) renewable energy research and development;

''(ii) loan guarantees to encourage construction of renewable energy facilities;

''(iii) consumer rebate or other programs to offset costs of small residential or small commercial renewable energy systems including solar hot water; or

''(iv) promoting distributed generation.

''(3) ALLOCATION PREFERENCES.—In allocating funds under the program, the Secretary shall give preference to—

''(A) States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) State grant programs most likely to stimulate or enhance innovative renewable energy technologies.''.

By Mr. TALENT (for himself, Mr. WYDEN, Mr. ALLEN, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DAYTON, Mrs. DOLE, Mr. GRAHAM, and Mr. VITTER):

S. 428. A bill to provide $30,000,000,000 in new transportation infrastructure funding in addition to TEA–21 levels through bonding to empower States and local governments to complete significant long-term capital improvement projects for highways, public transportation systems, and rail systems, and for other purposes; to the Committee on Finance.

Mr. TALENT. 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. 428

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Build America Bonds Act of 2005''.

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Our Nation's highways, public transportation systems, and rail systems drive our economy, enabling all industries to achieve growth and productivity that makes America strong and prosperous.

(2) The establishment, maintenance, and improvement of the national transportation network is a national priority, for economic, environmental, energy, security, and other reasons.

(3) The ability to move people and goods is critical to maintaining State, metropolitan, rural, and local economies.

(4) The construction of infrastructure requires the skills of numerous occupations, including those in the contracting, engineering, planning and design, materials supply, manufacturing, distribution, and safety industries.

(5) Investing in transportation infrastructure creates long-term capital assets for the Nation that will help the United States address its enormous infrastructure needs and improve its economic productivity.

(6) Investment in transportation infrastructure creates jobs and spurs economic activity to put people back to work and stimulate the economy.

(7) Every billion dollars in transportation investment has the potential to create up to 47,500 jobs.

(8) Every dollar invested in the Nation's transportation infrastructure yields at least $5.70 in economic benefits because of reduced delays, improved safety, and reduced vehicle operating costs.

(9) The proposed increases to the Transportation Equity Act for the 21st Century (TEA–21) will not be sufficient to compensate for the Nation's transportation infrastructure deficit.

(b) PURPOSE.—The purpose of this Act is to provide financing for long-term infrastructure capital investments that are not currently being met by existing transportation and infrastructure investment programs, including mega-projects, projects of national significance, multistate transportation corridors, intermodal transportation facilities, and transportation and security improvements to highways, public transportation systems, and rail systems.

SEC. 3. CREDIT TO HOLDERS OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

''Subpart H—Nonrefundable Credit for Holders of Build America Bonds

''Sec. 54. Credit to holders of Build America bonds.

''SEC. 54. CREDIT TO HOLDERS OF BUILD AMERICA BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a Build America bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a Build America bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any Build America bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(e) BUILD AMERICA BOND.—For purposes of this part, the term 'Build America bond' means any bond issued as part of an issue if—

''(1) the net spendable proceeds from the sale of such issue are to be used—

''(A) for expenditures incurred after the date of the enactment of this section for any qualified project, or

''(B) for deposit in the Build America Trust Account for repayment of Build America bonds at maturity,

''(2) the bond is issued by the Transportation Finance Corporation, is in registered form, and meets the Build America bond limitation requirements under subsection (g),

''(3) the Transportation Finance Corporation certifies that it meets the State contribution requirement of subsection (k) with respect to such project, as in effect on the date of issuance,

''(4) the Transportation Finance Corporation certifies that the State in which an approved qualified project is located meets the requirement described in subsection (l),

''(5) except for bonds issued in accordance with subsection (g)(6), the term of each bond which is part of such issue does not exceed 30 years,

''(6) the payment of principal with respect to such bond is the obligation of the Transportation Finance Corporation, and

''(7) with respect to bonds described in paragraph (1)(A), the issue meets the requirements of subsection (h) (relating to arbitrage).

''(f) QUALIFIED PROJECT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified project' means any—

''(A) qualified highway project, and

''(B) qualified public transportation project,

proposed by 1 or more States and approved by the Transportation Finance Corporation.

''(2) QUALIFIED HIGHWAY PROJECT.—

''(A) IN GENERAL.—The term 'qualified highway project' means any—

''(i) project of regional or national significance,

''(ii) multistate corridor program,

''(iii) border planning, operations, technology, and capacity improvement program, and

''(iv) freight intermodal connector project.

''(B) PROJECTS OF REGIONAL AND NATIONAL SIGNIFICANCE.—

''(i) IN GENERAL.—The term 'project of regional or national significance' means the eligible project costs of any surface transportation project which is eligible for Federal assistance under title 23, United States Code, including any freight rail project and activity eligible under such title, if such eligible project costs are reasonably anticipated to equal or exceed the lesser of—

''(I) $100,000,000, or

''(II) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.

''(ii) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means the costs of—

''(I) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities, and

''(II) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

''(iii) CRITERIA FOR APPROVAL.—The Transportation Finance Corporation may approve a project of regional or national significance only if the Corporation determines that the project is based on the results of preliminary engineering, and is justified based on the project's ability—

''(I) to generate national or regional economic benefits, including creating jobs, expanding business opportunities, and impacting the gross domestic product,

''(II) to reduce congestion, including impacts in the State, region, and Nation,

''(III) to improve transportation safety, including reducing transportation accidents, injuries, and fatalities, and

''(IV) to otherwise enhance the national transportation system.

''(C) MULTISTATE CORRIDOR PROGRAM.—

''(i) IN GENERAL.—The term 'multistate corridor program' means any program for multistate highway and multimodal planning studies and construction.

''(ii) CRITERIA FOR APPROVAL.—The Transportation Finance Corporation shall consider in approving any multistate corridor program—

''(I) the existence and significance of signed and binding multijurisdictional agreements,

''(II) prospects for early completion of the program, or

''(III) whether the projects under such program to be studied or constructed are located on corridors identified by section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032).

''(D) BORDER PLANNING, OPERATIONS, TECHNOLOGY, AND CAPACITY IMPROVEMENT PROGRAM.—

''(i) IN GENERAL.—The term 'border planning, operations, technology, and capacity improvement program' means any program which includes 1 or more eligible activities to support coordination and improvement in bi-national transportation planning, operations, efficiency, information exchange, safety, and security at the international borders of the United States with Canada and Mexico.

''(ii) ELIGIBLE ACTIVITIES.—For purposes of this subparagraph, the term 'eligible activities' means—

''(I) highway and multimodal planning or environmental studies,

''(II) cross-border port of entry and safety inspection improvements, including operational enhancements and technology applications,

''(III) technology and information exchange activities, and

''(IV) right-of-way acquisition, design, and construction, as needed to implement the enhancements or applications described in subclauses (II) and (III), to decrease air pollution emissions from vehicles or inspection facilities at border crossings, or to increase highway capacity at or near international borders.

''(E) FREIGHT INTERMODAL CONNECTOR PROJECT.—

''(i) IN GENERAL.—The term 'freight intermodal connector project' means any project for the construction of and improvements to publicly owned freight intermodal connectors to the National Highway System, the provision of access to such connectors, and operational improvements for such connectors (including capital investment for intelligent transportation systems), except that a project located within the boundaries of an intermodal freight facility shall only include highway infrastructure modifications necessary to facilitate direct intermodal access between the connector and the facility.

''(ii) CRITERIA FOR APPROVAL.—The Transportation Finance Corporation shall consider in approving any freight intermodal connector project the criteria set forth in the report of the Department of Transportation to Congress entitled 'Pulling Together: The NHS and its Connections to Major Intermodal Terminals'.

''(iii) FREIGHT INTERMODAL CONNECTOR.—The term 'freight intermodal connector' means the roadway that connects to an intermodal freight facility that carries or will carry intermodal traffic.

''(iv) INTERMODAL FREIGHT FACILITY.—The term 'intermodal freight facility' means a port, airport, truck-rail terminal, and pipeline-truck terminal.

''(3) QUALIFIED PUBLIC TRANSPORTATION PROJECT.—The term 'qualified public transportation project' means a project for public transportation facilities or other facilities which are eligible for assistance under title 49, United States Code, including intercity passenger rail.

''(g) LIMITATION ON AMOUNT OF BONDS DESIGNATED; ALLOCATION OF BOND PROCEEDS.—

''(1) NATIONAL LIMITATION.—There is a Build America bond limitation for each calendar year. Such limitation is—

''(A) with respect to bonds described in subsection (e)(1)(A)—

''(i) $5,500,000,000 for 2005,

''(ii) $8,000,000,000 for 2006,

''(iii) $8,000,000,000 for 2007,

''(iv) $3,000,000,000 for 2008,

''(v) $3,000,000,000 for 2009,

''(vi) $2,500,000,000 for 2010, and

''(vii) except as provided in paragraph (4), zero thereafter, plus

''(B) with respect to bonds described in subsection (e)(1)(B), such amount each calendar year as determined necessary by the Transportation Finance Corporation to provide funds in the Build America Trust Account for the repayment of Build America bonds at maturity, except that the aggregate amount of such bonds for all calendar years shall not exceed $9,000,000,000,000.

''(2) ALLOCATION OF BONDS FOR HIGHWAY AND PUBLIC TRANSPORTATION PURPOSES.—Except with respect to qualified projects described in subsection (j)(3), and subject to paragraph (3)—

''(A) QUALIFIED HIGHWAY PROJECTS.—From Build America bonds issued under the annual limitation in paragraph (1)(A), the Transportation Finance Corporation shall allocate 80 percent of the net spendable proceeds to the States for qualified highway projects designated by law from recommendations submitted to Congress identifying various projects approved as meeting the criteria required for each such project by the Transportation Finance Corporation.

''(B) QUALIFIED PUBLIC TRANSPORTATION PROJECTS.—From Build America bonds issued under the annual limitation in paragraph (1)(A), the Transportation Finance Corporation shall allocate 20 percent of the net spendable proceeds to the States for qualified public transportation projects designated by law from recommendations submitted to Congress identifying various projects approved as meeting the criteria required for each such project by the Transportation Finance Corporation.

''(3) MINIMUM ALLOCATIONS TO STATES.—In making allocations for each calendar year under paragraph (2), the Transportation Finance Corporation shall ensure that the amount allocated for qualified projects located in each State for such calendar year is not less than ½ percent of the total amount allocated for such year.

''(4) CARRYOVER OF UNUSED ISSUANCE LIMITATION.—If for any calendar year the limitation amount imposed by paragraph (1) exceeds the amount of Build America bonds issued during such year, such excess shall be

carried forward to one or more succeeding calendar years as an addition to the limitation imposed by paragraph (1) and until used by issuance of Build America bonds.

''(5) ISSUANCE OF SMALL DENOMINATION BONDS.—From the Build America bond limitation for each year, the Transportation Finance Corporation shall issue a limited quantity of Build America bonds in small denominations suitable for purchase as gifts by individual investors wishing to show their support for investing in America's infrastructure.

''(h) SPECIAL RULES RELATING TO ARBITRAGE.—

''(1) IN GENERAL.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the Transportation Finance Corporation reasonably expects—

''(A) to spend at least 85 percent of the net spendable proceeds from the sale of the issue for 1 or more qualified projects within the 5-year period beginning on such date,

''(B) to incur a binding commitment with a third party to spend at least 10 percent of the net spendable proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 12-month period beginning on such date, and

''(C) to proceed with due diligence to complete such projects and to spend the net spendable proceeds from the sale of the issue.

''(2) SPENT PROCEEDS.—Net spendable proceeds are considered spent by the Transportation Finance Corporation when a sponsor of a qualified project obtains a reimbursement from the Transportation Finance Corporation for eligible project costs.

''(3) RULES REGARDING CONTINUING COMPLIANCE AFTER 5-YEAR DETERMINATION.—If at least 85 percent of the net spendable proceeds from the sale of the issue is not expended for 1 or more qualified projects within the 5-year period beginning on the date of issuance, but the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if the Transportation Finance Corporation uses all unspent net spendable proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of such 5-year period.

''(4) REALLOCATION.—In the event the recipient of an allocation under subsection (g) fails to demonstrate to the satisfaction of the Transportation Finance Corporation that its actions will allow the Transportation Finance Corporation to meet the requirements under this subsection, the Transportation Finance Corporation may redistribute the allocation meant for such recipient to other recipients.

''(i) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

''(1) IN GENERAL.—If any bond which when issued purported to be a Build America bond ceases to be such a qualified bond, the Transportation Finance Corporation shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

''(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

''(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

''(2) FAILURE TO PAY.—If the Transportation Finance Corporation fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

''(3) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

''(i) the amount of any credit allowable under this part, or

''(ii) the amount of the tax imposed by section 55.

''(j) BUILD AMERICA TRUST ACCOUNT.—

''(1) IN GENERAL.—The following amounts shall be held in a Build America Trust Account by the Transportation Finance Corporation:

''(A) The proceeds from the sale of all bonds issued under this section.

''(B) The amount of any matching contributions with respect to such bonds.

''(C) The investment earnings on proceeds from the sale of such bonds.

''(D) Any earnings on any amounts described in subparagraph (A), (B), or (C).

''(2) USE OF FUNDS.—Amounts in the Build America Trust Account may be used only to pay costs of qualified projects, redeem Build America bonds, and fund the operations of the Transportation Finance Corporation, except that amounts withdrawn from the Build America Trust Account to pay costs of qualified projects may not exceed the aggregate proceeds from the sale of Build America bonds described in subsection (e)(1)(A).

''(3) USE OF REMAINING FUNDS IN BUILD AMERICA TRUST ACCOUNT.—Upon the redemption of all Build America bonds issued under this section, any remaining amounts in the Build America Trust Account shall be available to the Transportation Finance Corporation to pay the costs of any qualified project.

''(4) COSTS OF QUALIFIED PROJECTS.—For purposes of this section, the costs of qualified projects which may be funded by amounts in the Build America Trust Account may only relate to capital investments in depreciable assets and may not include any costs relating to operations, maintenance, or rolling stock.

''(5) APPLICABILITY OF FEDERAL LAW.—The requirements of any Federal law, including titles 23, 40, and 49 of the United States Code, which would otherwise apply to projects to which the United States is a party or to funds made available under such law and projects assisted with those funds shall apply to—

''(A) funds made available under the Build America Trust Account for similar qualified projects, including contributions required under subsection (k), and

''(B) similar qualified projects assisted by the Transportation Finance Corporation through the use of such funds.

''(6) INVESTMENT.—It shall be the duty of the Transportation Finance Corporation to invest in investment grade obligations such portion of the Build America Trust Account as is not, in the judgment of the Board of Directors of the Transportation Finance Corporation, required to meet current withdrawals. To the maximum extent practicable, investments should be made in securities that support transportation investment at the State and local level.

''(k) STATE CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (e)(3), the State contribution requirement of this subsection is met with respect to any qualified project if the Transportation Finance Corporation has received from 1 or more States, not later than the date of issuance of the bond, written commitments for matching contributions of not less than 20 percent (or such smaller percentage as determined under title 23, United States Code, for such State) of the cost of the qualified project.

''(2) STATE MATCHING CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this subsection, State matching contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.

''(l) UTILIZATION OF UPDATED CONSTRUCTION TECHNOLOGY FOR QUALIFIED PROJECTS.—For purposes of subsection (e)(4), the requirement of this subsection is met if the appropriate State agency relating to the qualified project has updated its accepted construction technologies to match a list prescribed by the Secretary of Transportation and in effect on the date of the approval of the project as a qualified project.

''(m) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ADMINISTRATIVE COSTS.—The term 'administrative costs' shall only include costs of issuance of Build America bonds and operation costs of the Transportation Corporation.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) NET SPENDABLE PROCEEDS.—The term 'net spendable proceeds' means the proceeds from the sale of any Build America bond issued under this section reduced by not more than 5 percent of such proceeds for administrative costs.

''(4) STATE.—The term 'State' shall have the meaning given such term by section 101 of title 23, United States Code.

''(5) TREATMENT OF CHANGES IN USE.—For purposes of subsection (e)(1)(A), the net spendable proceeds from the sale of an issue shall not be treated as used for a qualified project to the extent that the Transportation Finance Corporation takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall specify remedial actions which may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a Build America bond.

''(6) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(7) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Build America bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(8) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(A) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a Build America bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(B) CERTAIN RULES TO APPLY.—In the case of a separation described in subparagraph (A), the rules of section 1286 shall apply to the Build America bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''(9) CREDITS MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit or bond allowed by this section through sale and repurchase agreements.

''(10) REPORTING.—The Transportation Finance Corporation shall submit reports similar to the reports required under section 149(e).

''(11) PROHIBITION ON USE OF HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, no funds derived from the Highway Trust Fund established under section 9503 shall be used to pay costs associated with the Build America bonds issued under this section.''.

(b) AMENDMENTS TO OTHER CODE SECTIONS.—

(1) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(8) REPORTING OF CREDIT ON BUILD AMERICA BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(d) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(2) TREATMENT FOR ESTIMATED TAX PURPOSES.—

(A) INDIVIDUAL.—Section 6654 (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULE FOR HOLDERS OF BUILD AMERICA BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a Build America bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(B) CORPORATE.—Subsection (g) of section 6655 (relating to failure by corporation to pay estimated income tax) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR HOLDERS OF BUILD AMERICA BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a Build America bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''SUBPART H. NONREFUNDABLE CREDIT FOR HOLDERS OF BUILD AMERICA BONDS.''.

(2) Section 6401(b)(1) is amended by striking ''and G'' and inserting ''G, and H''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 4. TRANSPORTATION FINANCE CORPORATION.

(a) ESTABLISHMENT AND STATUS.—There is established a body corporate to be known as the ''Transportation Finance Corporation'' (hereafter in this section referred to as the ''Corporation''). The Corporation is not a department, agency, or instrumentality of the United States Government, and shall not be subject to title 31, United States Code.

(b) PRINCIPAL OFFICE; APPLICATION OF LAWS.—The principal office and place of business of the Corporation shall be in the District of Columbia, and, to the extent consistent with this section, the District of Columbia Business Corporation Act (D.C. Code 29–301 et seq.) shall apply.

(c) FUNCTIONS OF CORPORATION.—The Corporation shall—

(1) issue Build America bonds for the financing of qualified projects as required under section 54 of the Internal Revenue Code of 1986,

(2) establish and operate the Build America Trust Account as required under section 54(j) of such Code,

(3) act as a centralized entity to provide financing for qualified projects,

(4) leverage resources and stimulate public and private investment in transportation infrastructure,

(5) encourage States to create additional opportunities for the financing of transportation infrastructure and to provide technical assistance to States, if needed,

(6) perform any other function the sole purpose of which is to carry out the financing of qualified projects through Build America bonds, and

(7) not later than February 15 of each year submit a report to Congress—

(A) describing the activities of the Corporation for the preceding year, and

(B) specifying whether the amounts deposited and expected to be deposited in the Build America Trust Account are sufficient to fully repay at maturity the principal of any outstanding Build America bonds issued pursuant to such section 54.

(d) POWERS OF CORPORATION.—The Corporation—

(1) may sue and be sued, complain and defend, in its corporate name, in any court of competent jurisdiction,

(2) may adopt, alter, and use a seal, which shall be judicially noticed,

(3) may prescribe, amend, and repeal such rules and regulations as may be necessary for carrying out the functions of the Corporation,

(4) may make and perform such contracts and other agreements with any individual, corporation, or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation,

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid,

(6) may, as necessary for carrying out the functions of the Corporation, employ and fix the compensation of employees and officers,

(7) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation,

(8) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this Act, and

(9) shall have such other powers as may be necessary and incident to carrying out this Act.

(e) NONPROFIT ENTITY; RESTRICTION ON USE OF MONEYS; CONFLICT OF INTERESTS; AUDITS.—

(1) NONPROFIT ENTITY.—The Corporation shall be a nonprofit corporation and shall have no capital stock.

(2) RESTRICTION.—No part of the Corporation's revenue, earnings, or other income or property shall inure to the benefit of any of its directors, officers, or employees, and such revenue, earnings, or other income or property shall only be used for carrying out the purposes of this Act.

(3) CONFLICT OF INTERESTS.—No director, officer, or employee of the Corporation shall in any manner, directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

(4) AUDITS.—

(A) AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(i) IN GENERAL.—The Corporation's financial statements shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants that are certified by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(ii) REPORTING REQUIREMENTS.—The report of each annual audit described in clause (i) shall be included in the annual report required by subsection (c)(8).

(B) RECORD KEEPING REQUIREMENTS.—The Corporation shall ensure that each recipient of assistance from the Corporation keeps—

(i) separate accounts with respect to such assistance,

(ii) such records as may be reasonably necessary to fully disclose—

(I) the amount and the disposition by such recipient of the proceeds of such assistance,

(II) the total cost of the project or undertaking in connection with which such assistance is given or used, and the extent to which such costs are for a qualified project, and

(III) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and

(iii) such other records as will facilitate an effective audit.

(C) AUDIT AND EXAMINATION OF BOOKS.—The Corporation shall ensure that the Corporation, or any of the Corporation's duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance from the Corporation that are pertinent to such assistance.

(f) EXEMPTION FROM TAXES.—

(1) IN GENERAL.—The Corporation, including its franchise, capital, reserves, surplus, sinking funds, mortgages or other security holdings, and income, shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

(2) FINANCIAL OBLIGATIONS.—Build America bonds or other obligations issued by the Corporation and the interest on or tax credits with respect to its bonds or other obligations shall not be subject to taxation by any State, county, municipality, or local taxing authority.

(g) ASSISTANCE FOR TRANSPORTATION PURPOSES.—

(1) IN GENERAL.—In order to carry out the corporate functions described in subsection (c), the Corporation shall be eligible to receive discretionary grants, contracts, gifts, contributions, or technical assistance from any Federal department or agency, to the extent permitted by law.

(2) AGREEMENT.—In order to receive any assistance described in this subsection, the Corporation shall enter into an agreement with the Federal department or agency providing such assistance, under which the Corporation agrees—

(A) to use such assistance to provide funding and technical assistance only for activities which the Board of Directors of the Corporation determines are consistent with the corporate functions described in subsection (c), and

(B) to review the activities of State transportation agencies and other entities receiving assistance from the Corporation to assure that the corporate functions described in subsection (c) are carried out.

(3) CONSTRUCTION.—Nothing in this section shall be construed to establish the Corporation as a department, agency, or instrumentality of the United States Government, or to establish the members of the Board of Directors of the Corporation, or the officers and employees of the Corporation, as officers or employees of the United States Government.

(h) MANAGEMENT OF CORPORATION.—

(1) BOARD OF DIRECTORS; MEMBERSHIP; DESIGNATION OF CHAIRPERSON AND VICE CHAIRPERSON; APPOINTMENT CONSIDERATIONS; TERM; VACANCIES.—

(A) BOARD OF DIRECTORS.—The management of the Corporation shall be vested in a board of directors composed of 15 members appointed by the President, by and with the advice and consent of the Senate.

(B) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate 1 member of the Board to serve as Chairperson of the Board and 1 member to serve as Vice Chairperson of the Board.

(C) INDIVIDUALS FROM PRIVATE LIFE.—Eleven members of the Board shall be appointed from private life.

(D) FEDERAL OFFICERS AND EMPLOYEES.—Four members of the Board shall be appointed from among officers and employees of agencies of the United States concerned with infrastructure development.

(E) APPOINTMENT CONSIDERATIONS.—All members of the Board shall be appointed on the basis of their understanding of and sensitivity to infrastructure development processes. Members of the Board shall be appointed so that not more than 8 members of the Board are members of any 1 political party.

(F) TERMS.—Members of the Board shall be appointed for terms of 3 years, except that of the members first appointed, as designated by the President at the time of their appointment, 5 shall be appointed for terms of 1 year and 5 shall be appointed for terms of 2 years.

(G) VACANCIES.—A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the remainder of that term. Upon the expiration of a member's term, the member shall continue to serve until a successor is appointed and is qualified.

(2) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—Members of the Board shall serve without additional compensation, but may be reimbursed for actual and necessary expenses not exceeding $100 per day, and for transportation expenses, while engaged in their duties on behalf of the Corporation.

(3) QUORUM.—A majority of the Board shall constitute a quorum.

(4) PRESIDENT OF CORPORATION.—The Board of Directors shall appoint a president of the Corporation on such terms as the Board may determine.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KENNEDY, and Mr. KERRY):

S. 429. A bill to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LIEBERMAN. Mr. President, today I introduce legislation that is a first step in giving the Upper Housatonic Valley, a nationally significant area, the acknowledgment and resources it deserves. Designation of the upper Housatonic Valley as a national heritage area will enhance and foster public-private partnerships to educate residents and visitors about the region; improve the area's economy through business investment, job expansion, and tourism; and protect the area's natural and cultural heritage.

The Upper Housatonic Valley is a unique cultural and geographical region that encompasses in the Housatonic River watershed, extending 60 miles from Lanesboro, MA to Kent, CT. The valley has made significant national contributions through literary, artistic, musical, and architectural achievements; as the backdrop for important Revolutionary War era events; as the cradle of the iron, paper, and electrical industries; and as home to key figures and events in the abolitionist and civil rights movements. It includes five National Historic Landmarks and four National Natural Landmarks.

The Upper Housatonic Valley National Heritage Area Act would officially designate the region as part of the National Park Service system. It would also authorize funding for a variety of activities that conserve the significant natural, historical, cultural, and scenic resources, and that provide educational and recreational opportunities in the area. The Upper Housatonic Valley is part of our national identity. Making it a National Heritage Area will preserve and develop the experiences that connect us to our history and heritage as Americans.

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. 429

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 ''Upper Housatonic Valley National Heritage Area Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places including—

(A) five National Historic Landmarks—

(i) Edith Wharton's home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois' Boyhood Homesite, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts; and

(v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) four National Natural Landmarks—

(i) Bartholomew's Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;

(ii) Beckley Bog, Norfolk, Connecticut;

(iii) Bingham Bog, Salisbury, Connecticut; and

(iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester

French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare & Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled ''Upper Housatonic Valley National Heritage Area Feasibility Study, 2003''.

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Upper Housatonic Valley National Heritage Area, established in section 4.

(2) MANAGEMENT ENTITY.—The term ''Management Entity'' means the management entity for the Heritage Area designated by section 4(d).

(3) MANAGEMENT PLAN.—The term ''Management Plan'' means the management plan for the Heritage Area specified in section 6.

(4) MAP.—The term ''map'' means the map entitled ''Boundary Map Upper Housatonic Valley National Heritage Area'', numbered P17/80,000, and dated February 2003.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Connecticut and the Commonwealth of Massachusetts.

SEC. 4. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut;

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts; and

(4) the land and water within the boundaries of the Heritage Area, as depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

SEC. 5. AUTHORITIES, PROHIBITIONS AND DUTIES OF THE MANAGEMENT ENTITY.

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 6;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this Act, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this Act, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this Act to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their political jurisdictions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques including, but not limited to, the development of intergovernmental and interagency cooperative agreements to protect the Heritage Area's natural, historical, cultural, educational, scenic and recreational resources;

(7) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for ways in which local, State, and

Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to further the purposes of this Act; and

(9) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this Act.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this Act until such time as the management plan is submitted to and approved by the Secretary.

SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(A) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The Secretary may spend Federal funds directly on non-federally owned property to further the purposes of this Act, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this Act to implement any amendments until the Secretary has approved the amendments.

SEC. 8. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and,

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this Act not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this Act.

(b) MATCHING FUNDS.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act.

SEC. 10. SUNSET.

The authority of the Secretary to provide assistance under this Act shall terminate on the day occurring 15 years after the date of enactment of the Act.

By Ms. CANTWELL:

S. 430. A bill to arrest methamphetamine abuse in the United States; to the Committee on the Judiciary.

Ms. CANTWELL. Mr. President, today I am introducing legislation to ensure that law enforcement has the resources it needs to address and eventually solve the methamphetamine crisis in this country. My bill is entitled the Arrest Methamphetamine Act of 2005. It would create a new formula-based grant program for States that have enacted sophisticated laws governing the sale of the precursor products used to make meth. My legislation is designed to help communities cope with the myriad problems being caused by meth, and ultimately to stop the growing meth epidemic in its tracks.

Never before has creating a separate program to finance the battle against meth been so critical. I am dismayed to see that the President's fiscal year 2006 budget request mortally wounds the COPS program and that his budget finishes off the already slashed and reconstituted Byrne grants program. These two mechanisms have provided anti-meth funds for years now, and each year, the administration's efforts to undermine the COPS program and the Byrne grants program further jeopardize law enforcement efforts against meth and the many other important law enforcement-related initiatives that these two programs have carried out for so many years. While I plan to work hard with my colleagues to restore funding to the COPS and Byrne programs generally, I do not see that our efforts to save these programs every year from the administration's chopping block is the best way to ensure that necessary financial resources are there for all aspects of the meth fight.

While the administration was busy slashing the $499 million COPS program all the way down to $22 million, the meth problems that the COPS program addresses only got worse. Meth abuse, as an epidemic, started in the West and the Midwest, but has more recently begun to move east. Meth use and production is exploding in North Carolina. Georgia law enforcement officials recently had one of the largest meth busts on record, and Missouri, Iowa and Minnesota have been inundated by severe meth problems. In 2003, methamphetamine was identified as the greatest drug threat by 90.9 percent of local law enforcement agencies in the Pacific region. By comparison, only 5.3 percent of agencies reporting identified cocaine as their biggest threat, followed by marijuana at 2.1 percent and heroin at less than 1 percent.

This epidemic of meth has permeated the most urban and most rural communities. Meth labs range in sophistication from being run by multi-national organized crime rings to back alley cook shops, and they exist in crudely converted farm houses and in illicit high-financed facilities run by Mexican drug rings. Meth victims are of all ages, and there is heart-wrenching data and anecdotes on meth addiction of mothers, and the impact of adult meth addiction on their very young children.

Although much of the information we have on how meth impacts kids is anecdotal, we do have some localized assessments which are also useful. In a recent study that took urine samples from 26 children found at meth labs, many in King County, WA, 23 of the children had traces of the drug in their bodies. Meth addicts commit awful crimes to finance their habits, and manage to hurt themselves in meth lab explosions or by overdosing.

Anecdotally, officials in Washington State tell me that the family and personal tolls of meth addition are worse than what any study could indicate. The people whose lives have been affected by meth are passionate about preventing other families from going through the same tragedy they have gone through. Recently I asked my constituents to share their stories with me, heart-wrenching stories, to draw much-needed attention to this problem which affects so many of our friends,

neighbors, and loved ones. The stories I read were devastating—families broken, neighborhoods torn apart, and kids whose lives are destroyed. For example, one law enforcement officer from Kennewick, Washington wrote me:

Senator Cantwell. I was working a case using a confidential informant to purchase meth from well known suspects who manufactured methamphetamine. The suspect and his wife were both frequently mentioned by numerous informants as their source of the drug. After purchasing meth from the suspects, a search warrant was granted for the residence. A meth lab was found. Three children were living in this residence at the time. The husband and wife were arrested and the three children were taken to Child Protective Services and later placed in the custody of the grandparents. The husband fled the area and has yet to be located. The wife went to trial and was convicted, although she maintained her innocence during and after the trial. The wife was released on an appeal bond.

About two weeks later, the Benton County Fire Department was dispatched to a mobile home fire. A deputy was in the area and responded. When the Deputy arrived, he found that same wife carrying her three year old out of the burning trailer. Witnesses reported observing the wife and another male suspect (not the husband) loading things into a pickup and secreting the pickup in some nearby trees before the mother returned to the trailer to rescue her daughter. Another meth lab was found in the pickup and investigation determined the extraction of Pseudoephedrine was occurring in the trailer's bathroom when the fire was started.

Those very small children didn't have a choice. Their fate was determined by meth. But this epidemic can reach beyond young parents and their toddlers. Its effects can be felt in our schools. One constituent from Kitsap County wrote to me about a friend of hers who was a 4.0 student in high school when she began using meth:

Senator Cantwell. This girl had been a 4.0 student throughout her school career and she stated that getting good grades had always been easy for her. As her meth use increased in both amount and frequency she said she remembered waking up on a dirty mattress on a floor in a run down room and thinking to herself, ''how did I get here?'' Then in a relatively short time she ended up moving to another city and started prostituting.

One of her solicitors threatened her, and she felt he would kill her, so she contacted her parents and she returned home and entered inpatient treatment. I first saw her after she had been not using for 4 months. She was crying, saying she couldn't relate to the other girls at school. And she kept that part of her life secret for fear of rejection and she was struggling in school. She said what once came easy was now difficult for her to understand, to retain information. In addition, she was depressed. This happened before what we know now, that meth can cause permanent damage in the brain so that a person may have to be on antidepressants the rest of their life.''

This constituent's tragic story is a sad portrayal of a young girl victimized by meth who was just beginning to realize her promise. But it doesn't stop there. Even innocent bystanders are affected by this epidemic. In another story from Tacoma, WA, a constituent of mine explained how her friend's entire neighborhood felt the effects of one neighbor's meth addiction:

This quiet neighborhood in northeast Tacoma was changed forever. Across the street from my friend lived an elderly woman. Her son moved in with her and turned their home into a meth lab. The neighbors became suspicious of the increased traffic to the elderly woman's home at odd hours as well as visible deterioration of the home—more junk, cars, and trash. When they called the police, a Community Mobilization Specialist from ''Safe Streets'' responded and helped the neighbors to organize a watch group. They began to document and report the suspicious activity. This gave the police what they needed to follow-up. Within three months the meth lab was closed and the meth cook was arrested. The home was so toxic that the elderly mother had to move to an extended care facility and the home was boarded up by the City and Health Department

I received many stories from people who saw their neighborhoods changed by meth forever. One landlord wrote to me to explain the meth epidemic with respect to his tenant:

Senator Cantwell. I am getting ready to evict a tenant right now for meth activity. I made the rules very clear to them and even had them sign papers when I rented the place—no drug activity. Right away they began to have drug addicts coming and going constantly. Now my 11 year son and I are afraid to go out of our front door because of the awful looking drug addicts hovering around, and I own this place.

People on meth are not to be underestimated. They will do things and not even know they do it. They become extremely delusional, aggressive and paranoid. They have one thing to do in their life and that is get more of the drug by whatever means necessary. As a matter of fact murder in those circles is not uncommon.

Now, here is my son, waiting for a school bus on the street. I have worked hard to educate him on addiction and drug use but even that is no guarantee he will make a good choice. Because it is not a matter of ''if it happens''. It is a matter of when. It will happen.

My constituents also point to the lack of resources. An Everett, WA high school counselor shared with me his experience:

As a life long member of this community with a large family, I have seen family and friends impacted by meth use; it has literally devastated families. We, as community members, end up having to support these people financially and emotionally, knowing that with current resources, it is never enough. My greatest concern is always with the children impacted, those ''silent victims''.

As a High School counselor, I see student's lives that have been impacted by parents' or siblings' meth use as well as individual students that we, as a school, lose to drug use. They simply stop attending and drop out of high school. At this time, we do not even have a drug intervention resource specialist at our school to support students that are or have been involved in meth. Our individual case load, as Counselors of over 425 kids does not allow us the time to address this need.

We have the power to reach out and help these people with this legislation.

The meth problem in Washington reached epidemic proportions earlier than it did in most other parts of the country, and although we have made considerable progress on a number of grounds, Washington has a long way to go to stop meth in its tracks. For the last several years, Washington has been among the States that have received a meth-related earmark. And these Federal resources have helped. Federal resources have paid for the hiring of deputies who work full time on meth, funded cleanup of ecological problems caused by meth lab byproducts, and it has helped us educate our rural teens on the high risks and dangers associated with meth use. Meth production in Washington is down from an all time high in 2001. And in just one year, Washington went from being ranked third for meth lab seizures to seventh. Washington has made progress in the struggle against meth, because of a concerned effort throughout many aspects of our local communities. Law enforcement, the health community, the pharmaceutical industry and retailers, parents and yes, the White House and Congress, must work together to address meth effectively.

Emergency funding such as the earmarks that my and other States have gotten to fight meth, are not a sufficient long-term solution. And though we have made progress an incredible amount remains to be done. I have been working on the methamphetamine problem in Washington State for a number of years, and in my travels throughout the State, there is literally no law enforcement issue I hear about more frequently than the rampant meth problem. I know a number of my colleagues are hearing the same things at home as I am.

The meth problem is out of hand, and our local law enforcement officials are pleading for help from Congress. According to the Office of National Drug Control Policy, meth users are likely to be involved in other crimes, most noticeably domestic violence. In 2001, 34 law enforcement and epidemiologic respondents reported that methamphetamine sellers account for 44 percent of the domestic violence among drug sellers, compared with only 24 percent for crack cocaine sellers, 20 percent for powder cocaine sellers, and 9 percent for heroin sellers. I am hearing from Washington local law enforcement officials that when they bust meth labs and meth houses, they find that the criminals are financing meth habits by engaging in various forms of identity theft.

We have responded in past years by allocating money through the COPS program, and earmarking funds for various States. Much of the COPS program money, and indeed all of the COPS program meth money that the

President's budget requests, is to be administered by the Federal Drug Enforcement Agency. While I applaud the administration's efforts to direct $20 million in meth money to the DEA, I believe we need more funds, directed to State and local officials also, at least back to fiscal year 2002 levels of $70 million, but preferably closer to the level authorized in my meth bill, of $100 million. The $20 million in meth money through the COPS program that the President envisions would be a giant step backwards from even last year's level of slightly below $52 million. Why are we taking steps backwards, when we should be dealing with meth aggressively?

Establishing a separate grant program for waging this battle is critical for a number of reasons. The only States that can access grant funds are the ones with comprehensive, long term plans to address meth use, manufacture and sale. These States also must have enacted laws to limit the sales of precursor products. The precursor products are the commercially available products used to make meth, such as pseudoephedrine, which is a major ingredient in such popularly purchased items as Sudafed. There are a number of different schemes for addressing precursors, and my bill would not limit to one kind of law, the threshold for qualifying for a meth grant. It would allow the States leeway to address precursors as they see fit, provided that the law is sufficiently rigorous.

Also, this legislation allows States the discretion over how to use the formula grant funds. States receiving a grant may fund arrest, lab seizures and clean up, hiring and specialized training for law enforcement, awareness campaigns, prevention and other community-based education, intervention, child and family services, community policing, health department and environmental agency support, training for law enforcement, health, family services, environmental and fire departments and prosecution. The Arrest Methamphetamine Act also promotes a best practices approach, by assuring that when one state finds a solution to part of the meth problem that is working, that solution is made known nationwide.

The bill also requires the Attorney General to establish a national clearinghouse for best practices in addressing the meth problem, and provide technical assistance to states or local agencies. An example of this best practices approach applied involves work being done by the Washington State Meth Initiative Committee. This group issued a list of best practices for what to do when children are found at the site of an illegal meth lab. The report outlines specific roles for law enforcement, child protective services, medical providers and prosecutors. Sharing this plan with other States could save countless lives, and Washington can benefit from wisdom learned by other States reciprocally.

As I mentioned, States would apply for grants under the program established by my legislation. These grants will be awarded to eligible States based on state population, with a base amount of $250,000 or 25 percent of the appropriation, very similar to the Byrne formula, although it has a more generous base level for the most rural States. The bill authorizes $100 million per fiscal year 2006 and 2007, and elevates the funding to $200 million for fiscal years 2008 through 2010. By requiring States to improve their precursor laws before they can access this money, the bill encourages States to resolve the difficult issues surrounding pseudoephedrine and retail access, in favor of rigorous precursor laws such as those we have enacted in Washington.

I have also heard from local officials in Washington that some of the meth trafficking problem in the Northwest originates in Canada. Given the broad geographic scope of meth trafficking, my bill encourages the President to open a dialogue with the Canadian Government to assure that Canada understands its part in meth trafficking, in the hopes that Canada will seek to curtail problems north of our borders before meth shipments make it southward into the United States. I understand that very recently, Canada like many States in our country has addressed its precursor laws, and I view this as a positive step. The Canadian Government recently implemented a reporting requirement and an ''end user'' declaration on large precursor transactions. Questions remain, however, about whether these new regulations are sufficient to curtail the large-scale diversion and smuggling of precursor chemicals from Canada. My bill urges the President to build on Canadian precursor reform, and encourage the Canadians to address meth trafficking issues too.

My bill anticipates that no matter what happens to the COPS program this year or next year, our local law enforcement efforts to combat meth can move forward with stable and reliable financial resources. The dwindling COPS program, patched together with emergency state earmarks, is not a forthright enough effort on the part of the federal Government to arrest methamphetamine abuse throughout our country. I look forward to working together with my colleagues on both sides of the aisle in ultimately passing this important meth 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. 430

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 ''Arrest Methamphetamine Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Methamphetamine (meth) is an extremely dangerous and highly addictive drug.

(2) Methamphetamine use contributes to the perpetration of violent crimes, particularly burglary, child abuse, and crimes of substantial cost and personal pain to the victims, including identity theft.

(3) Methamphetamine labs produce hazardous conditions because of their use of chemicals such as anhydrous ammonia, ether, sulfuric acid, and other toxins which are volatile, corrosive and poisonous. When these substances are illegally disposed of in rivers, streams, and other dump areas, explosions and serious environmental damage can and does result.

(4) Since 2001, Federal funding has been provided through the Department of Justice COPS and Byrne Grant programs to address methamphetamine enforcement and clean up. Since 2002, although the methamphetamine problem has been growing and spreading across the United States, COPS funding has been cut each successive year, from $70,500,000 in 2002, to under $52,000,000 in 2005.

(5) As methamphetamine has impacted more States each year, the dwindling Federal funds have been parsed into smaller amounts. Each State deserves greater Federal support and a permanent funding mechanism to confront the challenging problem of methamphetamine abuse.

(6) Permanent Federal funding support for meth enforcement and clean-up is critical to the efforts of State and local law enforcement to reduce the use, manufacture, and sale of methamphetamine, and thus, reduce the crime rate.

(7) It is necessary for the Federal Government to establish a long-term commitment to confronting methamphetamine use, sale, and manufacture by creating a permanent funding mechanism to assist States.

SEC. 3. CONFRONTING THE USE OF METHAMPHETAMINE.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART HH—CONFRONTING USE OF METHAMPHETAMINE

"SEC. 2991. AUTHORITY TO MAKE GRANTS TO ADDRESS PUBLIC SAFETY AND METHAMPHETAMINE MANUFACTURING, SALE, AND USE.

''(a) PURPOSE AND PROGRAM AUTHORITY.—

''(1) PURPOSE.—It is the purpose of this part to assist States—

''(A) to carry out programs to address the manufacture, sale, and use of methamphetamine drugs; and

''(B) to improve the ability of State and local government institutions of to carry out such programs.

''(2) GRANT AUTHORIZATION.—The Attorney General, through the Bureau of Justice Assistance in the Office of Justice Programs may make grants to States to address the manufacture, sale, and use of methamphetamine to enhance public safety.

''(3) GRANT PROJECTS TO ADDRESS METHAMPHETAMINE MANUFACTURE SALE AND USE.—Grants made under subsection (a) may be

used for programs, projects, and other activities to—

''(A) arrest individuals violating laws related to the use, manufacture, or sale of methamphetamine;

''(B) undertake methamphetamine clandestine lab seizures and environmental clean up;

''(C) provide for community-based education, awareness, and prevention;

''(D) provide child support and family services related to assist users of methamphetamine and their families;

''(E) facilitate intervention in methamphetamine use;

''(F) facilitate treatment for methamphetamine addiction;

''(G) provide Drug Court and Family Drug Court services to address methamphetamine;

''(H) provide community policing to address the problem of methamphetamine use;

''(I) support State and local health department and environmental agency services deployed to address methamphetamine;

''(J) prosecute violations of laws related to the use, manufacture, or sale of methamphetamine; and

''(K) procure equipment, technology, or support systems, or pay for resources, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in the reduction in the use, sale, and manufacture of methamphetamine.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this part, a State shall submit to the Attorney General assurances that the State has implemented, or will implement prior to receipt of a grant under this section laws, policies, and programs that restrict the wholesale and limit sale of products used as precursors in the manufacture of methamphetamine.

''SEC. 2992. APPLICATIONS.

''(a) IN GENERAL.—No grant may be made under this part unless an application has been submitted to, and approved by, the Attorney General.

''(b) APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

''(c) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

''(1) include a long-term statewide strategy that—

''(A) reflects consultation with appropriate public and private agencies, tribal governments, and community groups;

''(B) represents an integrated approach to addressing the use, manufacture, and sale of methamphetamine that includes—

''(i) arrest and clandestine lab seizure;

''(ii) training for law enforcement, fire and other relevant emergency services, health care providers, and child and family service providers;

''(iii) intervention;

''(iv) child and family services;

''(v) treatment;

''(vi) drug court;

''(vii) family drug court;

''(viii) health department support;

''(ix) environmental agency support;

''(x) prosecution; and

''(xi) evaluation of the effectiveness of the program and description of the efficacy of components of the program for the purpose of establishing best practices that can be widely replicated by other States; and

''(C) where appropriate, incorporate Indian Tribal participation to the extent that an Indian Tribe is impacted by the use, manufacture, or sale of methamphetamine;

''(2) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

''(3) certify that there has been appropriate coordination with all affected State and local government institutions and that the State has involved counties and other units of local government, when appropriate, in the development, expansion, modification, operation or improvement of programs to address the use, manufacture, or sale of methamphetamine;

''(4) certify that the State will share funds received under this part with counties and other units of local government, taking into account the burden placed on these units of government when they are required to address the use, manufacture, or sale of methamphetamine;

''(5) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

''(6) explain how the grant will be utilized to enhance government response to the use, manufacture, and sale of methamphetamine;

''(7) demonstrate a specific public safety need;

''(8) explain the applicant's inability to address the need without Federal assistance;

''(9) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support; and

''(10) certify that funds received under this part will be used to supplement, not supplant, other Federal, State, and local funds.

''SEC. 2993. PLANNING GRANTS.

''(a) ELIGIBLE ENTITY.—The Attorney General through the Bureau of Justice Assistance in the Office of Justice Programs, may make grants under this section to States, Indian tribal governments, and multi-jurisdictional or regional consortia thereof to develop a comprehensive, cooperative strategy to address the manufacture, sale, and use of methamphetamine to enhance public safety.

''(b) AUTHORIZATION.—The Attorney General is authorized to provide grants under this section not exceeding $100,000 per eligible entity for such entity to—

''(1) define the problem of the use, manufacture, or sale of methamphetamine within the jurisdiction of the entity;

''(2) describe the public and private organization to be involved in addressing methamphetamine use, manufacture, or sale; and

''(3) describe the manner in which these organizations will participate in a comprehensive, cooperative, and integrated plan to address the use, manufacture, or sale of methamphetamine.

''SEC. 2994. ENFORCEMENT GRANTS.

''Of the total amount appropriated for this part in any fiscal year, the amount remaining after setting aside the amount to be reserved to carry out section 2993 shall be allocated to States as follows:

''(1) 0.25 percent or $250,000, whichever is greater, shall be allocated to each of the States.

''(2) Of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.

''SEC. 2995. NATIONAL ACTIVITIES.

''The Attorney General is authorized—

''(1) to collect systematic data on the effectiveness of the programs assisted under this part in reducing the use, manufacture, and sale of methamphetamine;

''(2) to establish a national clearinghouse of information on effective programs to address the use, manufacture, and sale of methamphetamine that shall disseminate to State and local agencies describing—

''(A) the results of research on efforts to reduce the use, manufacture, and sale of methamphetamine; and

''(B) information on effective programs, best practices and Federal resources to—

''(i) reduce the use, manufacture, and sale of methamphetamine; and

''(ii) address the physical, social, and family problems that result from the use of methamphetamine through the activities of intervention, treatment, drug courts, and family drug courts;

''(3) to establish a program within the Department of Justice to facilitate the sharing of knowledge in best practices among States addressing the use, manufacture and sale of methamphetamine through State-to-State mentoring, or other means; and

''(4) to provide technical assistance to State agencies and local agencies implementing programs and securing resources to implement effective programs to reduce the use, manufacture, and sale of methamphetamine.

''SEC. 2996. FUNDING.

''(a) GRANTS FOR THE PURPOSE OF CONFRONTING THE USE OF METHAMPHETAMINE.—There are authorized to be appropriated to carry out this part—

''(1) $100,000,000 for each fiscal year 2006 and 2007; and

''(2) $200,000,000 for each fiscal year 2008, 2009, and 2010.

''(b) NATIONAL ACTIVITIES.—For the purposes of section 2995, there are authorized to be appropriated such sums as are necessary.''.

SEC. 4. STATEMENT OF CONGRESS REGARDING AVAILABILITY AND ILLEGAL IMPORTATION OF PSEUDOEPHEDRINE FROM CANADA.

(a) FINDINGS.—Congress finds that—

(1) pseudoephedrine is a particularly abused basic precursor chemical used in the manufacture of the dangerous narcotic methamphetamine;

(2) the Federal Government, working in cooperation with narcotics agents of State and local governments and the private sector, has tightened the control of pseudoephedrine in the United States in recent years;

(3) in many States, pseudoephedrine can only be purchased in small quantity bottles or blister packs, and laws throughout various States are gradually becoming tougher, reflecting the increasing severity of America's methamphetamine problem; however, the widespread presence of large containers of pseudoephedrine from Canada at methamphetamine laboratories and dumpsites in the United States, despite efforts of law enforcement agencies to stem the flow of these containers into the United States, demonstrates the strength of the demand for, and the inherent difficulties in stemming the flow of, these containers from neighboring Canada; and

(4) Canada lacks a comprehensive legislative framework for addressing the pseudoephedrine trafficking problem.

(b) CALL FOR ACTION BY CANADA.—Congress strongly urges the President to seek commitments from the Government of Canada to begin immediately to take effective measures to stem the widespread and increasing availability in Canada and the illegal importation into the United States of pseudoephedrine.

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 431. A bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; to the Committee on Energy and Natural Resources.

Mr. DEWINE. Mr. President, I rise today along with my colleague, Senator DURBIN, to introduce the Presidential Sites Improvement Act of 2005. As we look forward to celebrating President's Day this coming Monday, I can think of no better way to honor our former Chief Executives than by passing this important piece of legislation.

The Presidential Sites Improvement Act would create a new and innovative partnership with public and private entities to preserve and maintain Presidential sites, such as birthplaces, homes, memorials, and tombs. It is our duty to preserve these sites so that future generations of Americans can gain a better understanding of those who influenced the development of our great Nation.

In an era when innovative technology has been incorporated into the curriculum in schools throughout the country, we often forget that one of the best learning tools is that which a child can touch and see. Visiting the birthplace or home of the same individuals talked about in the classroom or read about online provides a completely different atmosphere to appreciate history. The opportunity to visit the actual birthplaces, homes, memorials, and tombs provides a real-life glimpse into the lives of our former Presidents.

Currently, family foundations, colleges and universities, libraries, historical societies, historic preservation organizations, and other non-profit organizations own the majority of these sites. These entities often have little funding and are unable to meet the demands of maintaining such important sites because operating costs must be met before maintenance needs. As a result, these sites are left to deteriorate slowly.

I have visited many of the Presidential historic sites throughout my home State of Ohio, a State that has been the home of eight Presidents. I was disturbed during one such visit to the Ulysses S. Grant house. There, I saw the discoloration and falling plaster due to water damage. At the home of President Warren Harding, the front porch was pulling away from the house—the very same porch where President Harding delivered his now famous campaign speeches. Fortunately, we were able to obtain funding to prevent these two historic treasures from deteriorating further. We need to continue to provide Federal assistance for maintenance projects today in order to prevent larger maintenance problems tomorrow.

These sites are far too important to let slowly decay. Our legislation would authorize grants, administered by the National Park Service, for maintenance and improvement projects on Presidential sites that are not federally owned or managed. A portion of the funds would be set aside for sites that are in need of emergency assistance. To administer this new program, this legislation would establish a five-member committee, including the Director of the National Park Service, a member of the National Trust for Historic Preservation, and a State historic preservation officer. This committee would make grant recommendations to the Secretary of the Interior. Each grant would require that half of the funds come from non-Federal sources. Up to $5 million would be made available annually.

The Presidential Sites Improvement Act would make sure that every American has the chance to appreciate a real piece of history—a chance at understanding the lives of the great men who have led our Nation.

I ask unanimous consent that the text of the legislation I have just introduced be printed in the RECORD.

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

S. 431

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Presidential Sites Improvement Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) there are many sites honoring Presidents located throughout the United States, including Presidential birthplaces, homes, museums, burial sites, and tombs;

(2) most of the sites are owned, operated, and maintained by non-Federal entities such as State and local agencies, family foundations, colleges and universities, libraries, historical societies, historic preservation organizations, and other nonprofit organizations;

(3) Presidential sites are often expensive to maintain;

(4) many Presidential sites are in need of capital, technological, and interpretive display improvements for which funding is insufficient or unavailable; and

(5) to promote understanding of the history of the United States by recognizing and preserving historic sites linked to Presidents of the United States, the Federal Government should provide grants for the maintenance and improvement of Presidential sites.

SEC. 3. DEFINITIONS.

In this Act:

(1) GRANT COMMISSION.—The term ''Grant Commission'' means the Presidential Site Grant Commission established by section 4(d).

(2) PRESIDENTIAL SITE.—The term ''Presidential site'' means a site that is—

(A) related to a President of the United States;

(B) of national significance;

(C) managed, maintained, and operated for, and is accessible to, the public; and

(D) owned or operated by—

(i) a State; or

(ii) a private institution, organization, or person.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. GRANTS FOR PRESIDENTIAL SITES.

(a) IN GENERAL.—The Secretary shall award grants for major maintenance and improvement projects at Presidential sites to owners or operators of Presidential sites in accordance with this section.

(b) USE OF GRANT FUNDS.—

(1) IN GENERAL.—A grant awarded under this section may be used for—

(A) repairs or capital improvements at a Presidential site (including new construction for necessary modernization) such as—

(i) installation or repair of heating or air conditioning systems, security systems, or electric service; or

(ii) modifications at a Presidential site to achieve compliance with requirements under titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); and

(B) interpretive improvements to enhance public understanding and enjoyment of a Presidential site.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Of the funds made available to award grants under this Act—

(i) 15 percent shall be used for emergency projects, as determined by the Secretary;

(ii) 65 percent shall be used for grants for Presidential sites with—

(I) a 3-year average annual operating budget of less than $700,000 (not including the amount of any grant received under this section); and

(II) an endowment in an amount that is less than 3 times the annual operating budget of the site; and

(iii) 20 percent shall be used for grants for Presidential sites with—

(I) an annual operating budget of $700,000 or more (not including the amount of any grant received under this section); and

(II) an endowment in an amount that is equal to or more than 3 times the annual operating budget of the site.

(B) UNEXPENDED FUNDS.—If any funds allocated for a category of projects described in subparagraph (A) are unexpended, the Secretary may use the funds to award grants for another category of projects described in that subparagraph.

(c) APPLICATION AND AWARD PROCEDURE.—

(1) IN GENERAL.—Not later than a date to be determined by the Secretary, an owner or operator of a Presidential site may submit to the Secretary an application for a grant under this section.

(2) INVOLVEMENT OF GRANT COMMISSION.—

(A) IN GENERAL.—The Secretary shall forward each application received under paragraph (1) to the Grant Commission.

(B) CONSIDERATION BY GRANT COMMISSION.—Not later than 60 days after receiving an application from the Secretary under subparagraph (A), the Grant Commission shall return the application to the Secretary with a recommendation of whether the proposed project should be awarded a Presidential site grant.

(C) RECOMMENDATION OF GRANT COMMISSION.—In making a decision to award a Presidential site grant under this section, the Secretary shall take into consideration any recommendation of the Grant Commission.

(3) AWARD.—Not later than 180 days after receiving an application for a Presidential

site grant under paragraph (1), the Secretary shall—

(A) award a Presidential site grant to the applicant; or

(B) notify the applicant, in writing, of the decision of the Secretary not to award a Presidential site grant.

(4) MATCHING REQUIREMENTS.—

(A) IN GENERAL.—The Federal share of the cost of a project at a Presidential site for which a grant is awarded under this section shall not exceed 50 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project at a Presidential site for which a grant is awarded under this section may be provided in cash or in kind.

(d) PRESIDENTIAL SITE GRANT COMMISSION.—

(1) IN GENERAL.—There is established the Presidential Site Grant Commission.

(2) COMPOSITION.—The Grant Commission shall be composed of—

(A) the Director of the National Park Service; and

(B) 4 members appointed by the Secretary as follows:

(i) A State historic preservation officer.

(ii) A representative of the National Trust for Historic Preservation.

(iii) A representative of a site described in subsection (b)(2)(A)(ii).

(iv) A representative of a site described in subsection (b)(2)(A)(iii).

(3) TERM.—A member of the Grant Commission shall serve a term of 2 years.

(4) DUTIES.—The Grant Commission shall—

(A) review applications for Presidential site grants received under subsection (c); and

(B) recommend to the Secretary projects for which Presidential site grants should be awarded.

(5) INELIGIBILITY OF SITES DURING TERM OF REPRESENTATIVE.—A site described in clause (iii) or (iv) of paragraph (2)(B) shall be ineligible for a grant under this Act during the 2-year period in which a representative of the site serves on the Grant Commission.

(6) NONAPPLICABILITY OF FACA.—The Grant Commission shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $5,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

By Mr. ALLEN (for himself, Mr. TALENT, Mr. GRAHAM, Mr. MCCAIN, Mr. LOTT, Mr. WARNER, Mr. GRASSLEY, and Mr. THUNE):

S. 432. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, today, with my colleagues, Senators TALENT, GRAHAM, MCCAIN, LOTT, WARNER, GRASSLEY and THUNE, I rise to introduce the Minority Serving Institution Digital & Wireless Technology Opportunity Act of 2005.

This legislation will provide vital resources to address the technology gap that exists at many Minority Serving Institutions, MSIs. With this legislation together, as a country, we move one step closer to eliminating what I like to call the ''economic opportunity divide'' that exists between Minority Serving Institutions and non-minority institutions of higher education.

This legislation will establish a new grant program that provides up to $250 million a year to help Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges upgrade their technology and communications infrastructure.

Since before I was elected to the Senate, my goal has always been to look for ways to improve education and empower all of our young people—regardless of their race, ethnicity, religion or economic background—to compete and succeed in life.

With over 200 Hispanic Serving Institutions; over 100 Historically Black Colleges and Universities and 34 tribal colleges throughout our country, it is clear that Minority Serving Institutions provide a valuable service to the educational strength and future growth of our Nation.

These institutions must have the technology capabilities and infrastructure available to their students and faculty to successfully compete and succeed in today's workforce.

Our goal with this legislation is clear—by increasing access to technology and addressing the technological disparities that exist at Minority Serving Institutions we will provide our young people with important tools for success, both in the classroom and in the workforce.

This nation's economic stability and growth are increasingly dependent on a growing portion of the workforce possessing technological skills.

African Americans, Hispanics and Native Americans constitute one-quarter of the total U.S. workforce. Approximately, one-third of all students of color in this nation are educated at Minority Serving Institutions. It is estimated that in 10 years minorities will comprise nearly 40 percent of all college-age Americans.

Yet, members of these minorities represent only 7 percent of the U.S. computer and information science workforce; 6 percent of the engineering workforce; and less than 2 percent of the computer science faculty.

At the same time, we know that 60 percent of all jobs require information technology skills and these jobs pay significantly higher salaries than jobs of a non-technical nature.

I am proud to say Virginia is home to five Historically Black Colleges & Universities—Norfolk State University, St. Paul's College, Virginia Union University, Hampton University and Virginia State University.

Mr. President, we must ensure that the students attending these minority institutions are competing on a level playing field when it comes to technology skills and development.

We must tap the talent and potential of these students to ensure that America's workforce is prepared to lead the world.

The legislation allows eligible institutions the opportunity through grants, contracts or cooperative agreements to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology and wireless technology/infrastructure—such as wireless fidelity or WiFi—to develop and provide educational services.

Additionally, the grants can be used for equipment upgrades, technology training and hardware/software acquisition. A Minority Serving Institution also can use the funds to offer its students universal access to campus networks, dramatically increase their connectivity rates, or make necessary infrastructure improvements.

The best jobs in the future will go to those who are the best prepared. However, I am increasingly concerned that when it comes to high technology jobs—which pay higher wages—this country runs the risk of economically limiting many college students in our society. It is important for all Americans that we close this opportunity gap.

Providing equal technological opportunities for all Americans will have a positive impact on our education system, our economic competitiveness and future generations of innovators and leaders.

I encourage all of my colleagues to support this legislation. This exact legislation passed the Senate last year 97–0.

Mr. President, I want to thank my colleagues for joining me today in cosponsoring this legislation and I look forward to working with fellow Senators to push this important measure across the goal-line so that many more college students are provided access to better technology and education, and most importantly, even greater opportunities in life.

By Mr. ALLEN:

S. 433. A bill to require the Secretary of Homeland Security to develop and implement standards for the operation of non-scheduled, commercial air carrier (air charter) and general aviation operations at Ronald Reagan Washington National Airport; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, I rise today to introduce legislation that would re-open Ronald Reagan Washington National Airport to all aviation. Since the tragic attacks of September 11, 2001, general aviation flights have not been permitted to operate in and out of Reagan National Airport. My legislation would direct the executive branch to develop and implement standards for the resumption of general aviation flights.

The closing of Reagan National to general aviation was understandable, prudent and tolerable in the weeks and

months following the tragedy of September 11. The safety and security of the capital region is paramount and will always guide our decisions. But, despite Congressional action mandating a detailed plan to re-open the airport to general aviation following a massive strengthening of our airports and air traffic control system serving the Washington area, the Federal Government has done little to develop a plan that would allow for the use of Reagan National for private aircraft.

Closing Reagan National to general aviation has had a substantial negative effect on jobs and the economy of the capital region. Non-scheduled air carrier operations at Reagan National once generated an estimated $50 million a year in direct economic activity from charter revenue, aircraft handling and refueling services. The lack of charter and general aviation passengers coming into the city, hotels, restaurants and other service businesses near Reagan National have suffered a significant, negative economic impact as well.

Since September 11, 2001, air charter operators have participated in a rigorous security program that makes their operations just as safe, if not safer, than those of commercial airlines. Charter operators also have the capability to check the names of their passengers against government terrorist watch lists. Given the unique location of the airport, stakeholders in the general aviation industry are willing to comply with virtually any rational government policy that would grant access to Reagan National for general aviation aircraft. Such proposals include using ''gateway'' airports in which all flights into Reagan National must first land for additional screening, and added screening of pilots and passengers. There are also new technological advances that could be required for private planes using Reagan National. Notwithstanding the willingness of those in general aviation to comply with reasonable security procedures that may be implemented, government agencies have remained stolidly silent on the issue.

That is why I have decided to introduce legislation directing the Department of Homeland Security to finalize and implement regulations that would again allow general aviation flights to operate at Reagan National. The measure allows for reasonable requirements to ensure the security of operations at Reagan National. The requirements include screening and certification of flight and ground crews; advance clearance of passenger manifests; physical screening of passengers and luggage; the physical inspection of aircraft; special flight procedures and limiting the airports from which flights can originate.

The Government was able to find conditions under which commercial aviation could operate out of Reagan National following the September 11 terrorist attacks. I see no reason why similar conditions or requirements could not be developed to allow for general aviation to also begin operations again.

Congressionally mandated actions on this issue have yet to result in a plan or set of circumstances that would fully re-open Reagan National. Thus, I believe it is necessary to introduce legislation that would direct the Department of Homeland Security to do so.

I agree that security is the most important factor in this debate; however I also believe reasonable requirements can be put in place to ensure the safety of general aviation flights and help the local businesses that depend on this mode of transportation for their livelihood.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 436. A bill to require the Secretary of Energy to assess the economic implications of the dependence of the State of Hawaii on oil as the principal source of energy for the State; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, in the shadow of crude oil prices that have reached nearly $50 per barrel, and with the specter of higher gasoline prices forecast by the Department of Energy's Energy Information Administration, I rise today to introduce a bill that will help Hawaii and potentially other insular areas grapple with the difficult choices ahead with respect to energy independence.

The bill directs the Secretary of Energy to assess the short- and long-term prospects of oil supply disruptions and price volatility and their impacts on Hawaii. It also directs the Secretary to assess the economic relationship between oil-fired generation of electricity from residual fuel and refined products consumed for transportation needs of Hawaii. Hawaii uses crude oil to produce electricity, gasoline, and jet fuel. Changing the mix of these products will have significant economic implications for Hawaii. We need to have a clear picture of the impacts of going down these roads to a different energy mix. In addition, the study would address the technical and economic feasibility of increasing the contribution of renewable energy resources and the use of liquified natural gas, LNG, for generating electricity and other needs. In Hawaii, the costs of gasoline, electricity, and jet fuel are intertwined in an intricate relationship, because they all come from the same feedstock, and changes in the use of one could potentially drive consumer prices up or down. We need to know the implications of increasing the percentage of renewable sources of energy or switching to LNG, and whether these choices will leave us enough residual fuel for our transportation system and jets. Finally, the bill calls for an analysis of the feasibility of production and use of hydrogen from renewable resources on an island-by-island basis, an energy source I have championed for a long time.

Hawaii is heavily dependent on imported oil. About 90 percent of the State's energy needs for residents and visitors is produced by refining and burning crude oil. We import 28 percent of our oil from Alaska, but 72 percent comes from foreign sources including Indonesia, China, Papua New Guinea, and Vietnam. We use 26 percent of the oil for generating electricity. Being an island State, marine transportation between the islands is very important. Air transport for residents of Hawaii, as well as for our tourism industry, is critical. For many high school athletic and academic teams to compete in intramural activities, it means getting on planes to go to another island. Many families live on multiple islands. We use 32 percent of the oil for air transportation, and 23 percent for ground and marine transportation. My State's dependence on oil poses potential risks to Hawaii from sudden price increases or supply disruptions as were experienced several times in the last five years alone.

Hawaii uses its energy very efficiently. Our per capita energy use is well below the national average. In part, this is due to the fact that Hawaii is blessed with comfortable climate and short driving distances. Nonetheless, we have been paying some of the highest prices in the Nation for our energy. We continue to have the highest gasoline prices in the country. For a long time our electricity rates also have been the highest in the country. Consistent high energy prices affect the economic vitality of the State. Before we invest in a different energy mix and infrastructure, we need to make transparent all the relations between fuels and the consequences of the directions we choose.

Our State has been proactive in seeking energy solutions. The State of Hawaii has income tax credits for the installation of solar, photovoltaic, and wind energy. Hawaii has the largest solar water heating program in the Nation. Governor Linda Lingle has called for a 20 percent renewable energy standard by 2020. Last year we obtained about 7 percent of electricity sales from renewable sources, compared with a national average of about 2 percent. The Hawaiian Electric Company, HECO, Hawaii's largest utility, announced in January 2003 the formation of a new subsidiary that will invest in renewable energy projects for Hawaii.

The Hawaii Energy Policy Forum, a deliberative body of over 40 community leaders and energy stakeholders, met many times over a period of a year and

developed an energy vision for Hawaii through the year 2030. Its report, ''Hawaii at the Crossroads; A Long-Term Energy Strategy,'' identifies strategic principles for Hawaii's future, including diversifying the sources of imported energy and beginning the transition to a long-term hydrogen economy.

Mr. President, energy security includes supply security, price security, and economic security. Supply security means ensuring that energy is available despite market disruptions elsewhere. Price security means that energy consumers are protected against price fluctuations and chronically high prices. Economic security results from both of the above. Hawaii is dependent on oil for both transportation and electricity in ways that are without parallel in continental States. Hawaii also has an abundance of renewable energy resources. It is the intent of this bill to assess these challenges and opportunities, and to help us develop a suitable roadmap for Hawaii's energy future. This bill will help Hawaii identify the challenges and decision points along the way to energy security.

I urge my colleagues to support this bill and 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. 436

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

SECTION 1. HAWAII ENERGY ASSESSMENT.

(a) ASSESSMENT.—The Secretary of Energy shall assess the economic implications of the dependence of the State of Hawaii on oil as the principal source of energy for the State, including—

(1) the short- and long-term prospects for crude oil supply disruption and price volatility and potential impacts on the economy of Hawaii;

(2) the economic relationship between oil-fired generation of electricity from residual fuel and refined petroleum products consumed for ground, marine, and air transportation;

(3) the technical and economic feasibility of increasing the contribution of renewable energy resources for generation of electricity, on an island-by-island basis, including—

(A) siting and facility configuration;

(B) environmental, operational, and safety considerations;

(C) the availability of technology;

(D) effects on the utility system including reliability;

(E) infrastructure and transport requirements;

(F) community support; and

(G) other factors affecting the economic impact of such an increase and any effect on the economic relationship described in paragraph (2);

(4) the technical and economic feasibility of using liquefied natural gas to displace residual fuel oil for electric generation, including neighbor island opportunities, and the effect of the displacement on the economic relationship described in paragraph (2), including—

(A) the availability of supply;

(B) siting and facility configuration for onshore and offshore liquefied natural gas receiving terminals;

(C) the factors described in subparagraphs (B) through (F) of paragraph (3); and

(D) other economic factors;

(5) the technical and economic feasibility of using renewable energy sources (including hydrogen) for ground, marine, and air transportation energy applications to displace the use of refined petroleum products, on an island-by-island basis, and the economic impact of the displacement on the relationship described in (2); and

(6) an island-by-island approach to—

(A) the development of hydrogen from renewable resources; and

(B) the application of hydrogen to the energy needs of Hawaii

(b) CONTRACTING AUTHORITY.—The Secretary of Energy may carry out the assessment under subsection (a) directly or, in whole or in part, through 1 or more contracts with qualified public or private entities.

(c) REPORT.—Not later than 300 days after the date of enactment of this Act, the Secretary of Energy shall prepare, in consultation with agencies of the State of Hawaii and other stakeholders, as appropriate, and submit to Congress, a report detailing the findings, conclusions, and recommendations resulting from the assessment.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 437. A bill to expedite review of the grand River Band of Ottawa Indians of Michigan to secure a timely and just determination of whether that group is entitled to recognition as a Federal Indian tribe; to the Committee on Indian Affairs.

Mr. LEVIN. Mr. President, I come to the floor today to introduce a bill to address an inequity to one of Michigan's Native American tribes. The Grand River Band of Ottawa Indians, commonly referred to as the Grand River Band, has been in some form indigenous to the State of Michigan for over 200 years. The Grand River Band consists of the 19 bands of Indians who occupied the territory along the Grand River in what is now southwest Michigan, including the cities of Grand Rapids and Muskegon. The members of the Grand River Band are the descendants and political successors to signatories of the 1821 Treaty of Chicago and the 1836 Treaty of Washington. They are also one of six tribes who is an original signatory of the 1855 Treaty of Detroit. However, the Grand River Band is the only one of those tribes which is not recognized by the Federal Government.

The bill I am introducing today with my colleague, Senator STABENOW, will direct the Bureau of Indian Affairs at the Department of Interior to make a recognition determination in a timely manner. Let me be clear—this bill does not federally recognize the tribe nor does it address the issue of gaming. I hope that this legislation will help to address this inequity to the Grand River Band and provide a timely remedy so that the tribe can enjoy the full benefits and status of Federal recognition.

By Mr. ENSIGN (for himself, Mrs. LINCOLN, Mr. HAGEL, Mrs. MURRAY, Mr. BINGAMAN, Mr. CORZINE, Mr. JOHNSON, Ms. COLLINS, and Mr. HATCH):

S. 438. A bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

Mr. ENSIGN. Mr. President, I am pleased to reintroduce the Medicare Access to Rehabilitation Services Act to improve the Medicare program for our senior citizens. The bill, which enjoyed the support of a majority of the Senate in the 108th Congress, would repeal the beneficiary cap on rehabilitation therapy care and ensure quality healthcare for Medicare patients.

The beneficiary cap is really two separate therapy caps: one cap for occupational therapy and one for both physical therapy and speech-language pathology care combined. Congress has already shown its opposition to this arbitrary cap by placing a moratorium on enforcement of the cap in 1999, 2000, and 2003. The latest moratorium will expire on January 1, 2006. Without congressional action, the beneficiary cap on therapy services will be effective again in less than a year. It is time to repeal the cap once and for all.

Each year, more than 3.7 million Medicare beneficiaries receive outpatient physical therapy, occupational therapy, and/or speech-language pathology services to regain their optimum level of function and independence. The Center for Medicare and Medicaid Services, CMS, completed a long-awaited analysis of the therapy cap policy. The report, prepared by AdvanceMed, estimates that for Calendar Year 2002, some 638,195 beneficiaries receiving physical therapy, occupational therapy, and/or speech-language pathology services would have exceeded the cap threshold. This represents 23.7 percent of the outpatient therapy expenditures for that year. Failure to address the issue this year in Congress will have a significant impact on the access beneficiaries will have to necessary rehabilitation services.

It is clear from recent reports prepared for CMS that patients with debilitating illnesses and injuries would be severely impacted by enforcement of the therapy caps. Based on data from 2002, patients suffering from conditions such as stroke, Parkinson's disease, congenital heart failure, and Dysphasia were certain to be negatively impacted by enforcement of existing statutory limits on rehabilitation coverage.

Action is needed to address the therapy caps this year. Last Congress, this bill attracted 51 Senators as cosponsors. As a member of the Senate Budget Committee, I realize the budgetary constraints that are upon Congress. I understand that we need to prioritize spending. I believe that a meaningful solution to address the rehabilitation needs of senior citizens and individuals with disabilities in the Medicare program should be a priority.

I would like to thank my colleagues, Senator BLANCHE LINCOLN, Senator CHUCK HAGEL, Senator PATTY MURRAY, Senator JEFF BINGAMAN, Senator JON CORZINE, Senator TIM JOHNSON, Senator SUSAN COLLINS, and Senator ORRIN HATCH for joining me in this effort. I stand ready to work with my colleagues to enact a solution to the therapy caps that ensures access to quality restorative services provided by qualified professionals.

By Mrs. BOXER (for herself and Mr. JEFFORDS):

S. 439. A bill to amend the Solid Waste Disposal Act to provide for secondary containment to prevent methyl tertiary butyl ether and petroleum contamination; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing legislation to protect public health and the environment by preventing chemicals from leaking out of underground storage tanks and thereafter contaminating drinking water supplies and nearby communities. My colleague in the House of Representatives, Mr. DINGELL, is introducing companion legislation.

Underground storage tanks can hold extremely toxic chemicals that can move rapidly through soil, contaminating the ground, aquifers, streams and other bodies of water. Underground storage tanks are located in urban and rural areas. When they leak, they present substantial risks to groundwater quality, human health, environmental quality, and economic growth.

There are approximately 670,000 underground storage tanks in the United States, and there have been more than 445,000 confirmed releases from these tanks as of mid-2003. Over 35 States report that leaking underground storage tanks are one of the top threats to their drinking water sources. By and large, MTBE contamination has come from leaking underground storage tanks. MTBE has contaminated water supplies in 43 States and in 29 States has contaminated drinking water. Estimates indicate that it will cost at least $29 billion to clean up MTBE contamination nationwide.

Currently, the leaking underground storage tanks program and other laws ensure that responsible parties pay to clean up the damage caused by these leaking spills. Unfortunately, the pace of cleaning up leaking underground storage tanks is 20 percent below the historic average. Our Nation faces an estimated 94,000 to 150,000 additional cleanups over the next 10 years—at a cost of $12 billion to $19 billion.

The best, most commonsense solution to stop leaking underground storage tanks from threatening public health is to prevent them from leaking in the first place with the use of secondary containment, such as double walls. There is already widespread support for this throughout the country. Twenty-one States already require secondary containment, either for all new or replaced tanks—such as in California—or for all new or replaced tanks in sensitive areas. In addition, two States are awaiting final passage or approval of such requirements, and one State requires tertiary, such as triple walls, containment. According to figures from the Petroleum Equipment Institute, 57 percent of all tanks installed from 2000 through 2003 were double walled.

But this is not fast enough in the face of the threats to our drinking and groundwater. Approximately 50 percent of the population relies on groundwater for their drinking water, including almost 100 percent in rural areas. The time to prevent contamination is now.

We must ensure the environmental health and safety of our water. I encourage my colleagues to support this bill.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 440. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to reintroduce an important bill that will ensure that Medicaid beneficiaries in all states have access to the services of top-quality podiatric physicians. I am pleased that Senator MIKULSKI from Maryland is joining me in introducing this bill today.

Having healthy feet and ankles are critical to keeping individuals mobile, productive and in good long-term health. This is particularly true for individuals with diabetes.

According to the Centers for Disease Control and Prevention, CDC, over 18 million Americans have diabetes, and it is the sixth leading cause of death in this country. Each year, over 200,000 Americans die from this disease.

If not managed properly, diabetes can cause several severe health problems, including eye disease or blindness, kidney disease and heart disease. Too often, diabetes can lead to foot complications, including foot ulcers and even amputations. In fact, the CDC estimates that 82,000 people undergo an amputation of a leg, foot or toe each year because of complications with diabetes.

Proper care of the feet could prevent many of these amputations. The CDC says that regular exams and patient education could prevent up to 85 percent these amputations.

The bill we are introducing today recognizes the important role podiatrists can play identifying and correcting foot problems among diabetics. The bill amends Medicaid's definition of ''physicians'' to include podiatric physicians. This will ensure that Medicaid beneficiaries have access to foot care from those most qualified to provide it.

Under Medicaid, podiatry is considered an optional benefit. However, just because it is optional, doesn't mean that podiatric services are not needed, or that beneficiaries will not seek out other providers to perform these services. Instead, Medicaid beneficiaries will have to receive foot care from other providers who may not be as well trained as a podiatrist in treating lower extremities.

Also, it is important to note that podiatrists are considered physicians under the Medicare program, which allows seniors and disabled individuals to receive appropriate care.

I urge my colleagues to give careful consideration to this important bill. It will help many Medicaid beneficiaries across the country have access to podiatrists that they need.

Finally, I thank the Senator from Maryland for helping me introduce this legislation today. I hope that by working together we can see this important change made.

Ms. MIKULSKI. Mr. President, I rise to join Senator BUNNING to introduce this important bill to make sure that Medicaid patients have access to care provided by podiatrists.

This bill ensures that Medicaid patients across the country can get services provided by podiatrists. This is a simple, common sense bill. This legislation includes podiatric physicians in Medicaid's definition of physician. This means that the services of podiatrists will be covered by Medicaid, just like they are in Medicare. Podiatrists are considered physicians under Medicare. They should be under Medicaid. Medicaid covers necessary foot and ankle care services. Medicaid should allow podiatrists who are trained specifically in foot and ankle care to provide these services and be reimbursed for them.

The services of podiatrists are considered optional under Medicaid. Currently, most state Medicaid programs, including Maryland, recognize and reimburse podiatrists for providing foot and ankle care to their beneficiaries. However, during times of tight budgets, states may choose to cut back on these optional services. Recently, Connecticut, and Texas discontinued podiatric services. Even though podiatrist services are considered optional, Medicaid patients need foot and ankle

care. If podiatrists do not provide the care, patients will see providers who may not be as well trained in the care of the lower extremities as podiatrists. I want the over 560,000 Medicaid patients in Maryland to have access to the services provided by over 400 podiatrists in Maryland.

Podiatrists receive special training on the foot, ankle, and lower leg. They play an important role in the recognition of systemic diseases like diabetes, and in the recognition and treatment of peripheral neuropathy, a frequent cause of diabetic foot wounds that can often lead to preventable lower extremity amputations. Over 18 million people in this country have diabetes, but an estimated more than 5 million of these people are not aware that they have the disease.

The President's budget challenges Congress to make major cuts to Medicaid—up to $60 billion. Covering podiatrists may be, in fact, a cost cutting measure. Ensuring Medicaid patient access to podiatrists will save Medicaid funds in the long term. According to the American Podiatric Medical Association, 75 percent of Americans will experience some type of foot health problem during their lives. Foot disease is the most common complication of diabetes leading to hospitalization. About 82,000 people have diabetes-related leg, foot, or toe amputations each year. Foot care programs with regular examinations and patient education could prevent up to 85 percent of these amputations. Podiatrists are important providers of this care.

This bill will make sure that Medicaid patients across the country have access to care provided by podiatrists. It has the support of the American Podiatric Medical Association. I urge my colleagues to cosponsor this important legislation.

By Mr. SANTORUM (for himself, Mr. NELSON of Florida, Mr. KYL, Mr. ALLEN, Mr. BUNNING, Mrs. DOLE, and Mr. CHAMBLISS):

S. 441. A bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to introduce, along with Senator NELSON of Florida, Senator KYL of Arizona, Senator ALLEN of Virginia, Senator BUNNING of Kentucky, Senator CHAMBLISS of Georgia, and Senator DOLE of North Carolina, legislation that would permanently extend the current treatment of investments made to motorsports entertainment complexes, ensuring that this important economic engine for our economy continues to roar. The Motorsports Fairness and Permanency Act of 2005 will help ensure that job-creating investments in motorsports facilities continue to be made under the same economic assumptions and tax treatment used for the last several decades—decades that have witnessed the most explosive growth in motorsports' long history.

Motorsports is the fastest growing sport in the United States, drawing fans to tracks and speedways around the country. In fact, there are over 900 motorsports facilities throughout the U.S., with tracks in every State. These facilities contribute to the economy by attracting motorsports enthusiasts and tourists, hiring permanent and temporary employees, and making capital investments. Facilities of every type—from local tracks that run weekly racing series to ''superspeedways'' that host nationally-televised events—must continually upgrade and reinvest in order to remain competitive.

Motorsports play a significant role in the Commonwealth of Pennsylvania, where racing is an integral part of Pennsylvania's economy with 60 racing facilities in every corner of the State. In fact, Pennsylvania is tied with California for the second-most motorsports facilities of any State.

Our facilities and tracks span across the Commonwealth and include the nationally known Pocono Raceway in Long Pond, Lake Erie Speedway, and Maple Grove Raceway, located just outside of Reading. These and other raceways in Pennsylvania hold NASCAR, National Hot Rod Association, Import Drag Racing Circuit, and other racing events, drawing hundreds of thousands of fans each year contributing vital economic support to their local communities.

It is clear that motorsports racing plays an important role in Pennsylvania, just as it does across this country. When making these capital investments, owners of motorsports facilities have long relied on and in good faith applied a 7-year depreciation life for these assets, but a few years ago the IRS began to raise some questions about the use of the 7-year classification. Last year, in H.R. 4520, the American Jobs Creation Act of 2004, Congress clarified that the appropriate depreciation period for motorsports assets was indeed 7 years. Due to revenue constraints in that particular bill, the provision on motorsports asset classification will lapse in 2008, meaning that Congress needs to act to permanently extend the provision. These capital expenditures, such as major improvements to existing tracks or building new tracks, require several years of planning followed by construction. Without a permanent provision that provides clarity and certainty, significant capital investments in motorsports facilities—and the jobs and economic gains those investments bring—could be negatively impacted.

I am hopeful that my colleagues in the Senate will join me in support of permanently extending the current treatment of investments in motorsports entertainment facilities.

By Mr. DEWINE (for himself, Mr. KOHL, and Mr. LEAHY):

S. 443. A bill to improve the investigation of criminal antitrust offenses; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I rise today, along with my colleagues Senators KOHL and LEAHY, to introduce the Antitrust Investigative Improvements Act of 2005. We do so to strengthen the Department of Justice's ability to investigate criminal antitrust conspiracies. This bill gives the Department of Justice authority to seek a wiretap order from a Federal judge, for a limited time period, to monitor communications between antitrust conspirators.

Investigating and prosecuting criminal antitrust conspiracies, such as cartels and bid-rigging, is the core mission of the Department of Justice's Antitrust Division. Because of the harm this behavior can do to the economy and to innocent consumers, Assistant Attorney General for the Antitrust Division, Hewitt Pate, has said that prosecuting ''cartels remain[s] our top enforcement priority at the Antitrust Division.'' As a result, in the United States, we punish such illegal behavior harshly. Corporations can be fined up to $100 million and individuals can be fined up to $1 million and be incarcerated for 10 years. But, despite the high priority the Antitrust Division places on these cases and the tough penalties under the law, up to now, we have not given the Department of Justice all the tools it needs to investigate and prosecute criminal antitrust conspiracies.

In criminal antitrust investigations, to prosecute a case, it is critical that prosecutors gain access to evidence on the inner workings of the conspiracy. To meet their heavy burden of proof, prosecutors must marshal strong evidence showing, for example, the terms of the illegal agreement, the participants in the illegal agreement, and precisely when the illegal agreement was reached. This type of evidence is extremely difficult to gain without penetrating the inner workings of the conspiracy.

The Department has principally two techniques for investigating criminal antitrust enterprises. First, it may enlist the cooperation of a witness. The cooperating witness may be, for example, a customer being harmed by the conspiracy or a co-conspirator to the antitrust crime. Under this approach, a cooperating witness may testify about the details of the conspiracy or may record conversations with the conspirators, either through videotape or audiotape. One important restriction is that the cooperating witness must be present at the conversation when recording. But, if the Department cannot secure a cooperating witness, which is

often the case, this technique is not available.

Second, the Antitrust Division also has a corporate leniency program, which has been very successful in investigating and prosecuting criminal antitrust conspiracies. In exchange for fully cooperating with an antitrust investigation, an otherwise guilty corporation may receive lenient treatment. But, this method, too, depends on the cooperation of one who was on the inside of the criminal conspiracy.

Our bill adds a third technique by amending Title III of the Omnibus Crime Control and Safe Streets Act (18 U.S.C. Section 2510 et seq.) to make a criminal violation of the Sherman Act a ''predicate offense'' for an order authorizing the interception of wire or oral communications, hereinafter ''wiretap order''. Amending this law to make criminal antitrust offenses a predicate offense would give the Department of Justice a much needed tool to investigate the inner workings of criminal antitrust conspiracies. Unlike using a cooperating witness or the corporate leniency program, a wiretap order does not require the cooperation of someone who has inside knowledge of the conspiracy or who is actually participating in the conspiracy. Upon a showing of probable cause to a Federal judge, the Department of Justice could obtain a wiretap order, for a limited time period, to monitor communications between conspirators.

There are over 150 predicate offenses from title 18 and dozens of other predicate offenses from other parts of the U.S. Criminal Code. Offenses, such as wire fraud, mail fraud, and bank fraud are predicate offenses, but up to now, criminal antitrust offenses have not been on the list. I think this is a mistake. Criminal antitrust offenses are basically white-collar, fraud offenses, and often do much more harm to innocent consumers than other types of fraud offenses. It is time for antitrust to be added as a predicate offense, given the gravity of the crime.

This idea is not new. Past Assistant Attorney Generals of the Antitrust Division have supported the idea for such legislation. And, in 1999, our neighbor to the north, Canada, passed similar legislation. It is an idea whose time has come.

I urge my colleagues to support this important reform to strengthen the enforcement of our antitrust laws. I ask unanimous consent to print the bill in the RECORD.

Mr. LEAHY. Mr. President, America's antitrust laws play a vital role in protecting consumers and ensuring a competitive marketplace for business. The vigorous enforcement of these laws also helps promote and maintain the efficiency of our markets by promoting competition, innovation, and technological development. Today, I am pleased to join Senator KOHL and Senator DEWINE in introducing the Antitrust Criminal Investigative Improvements Act of 2005, legislation that will provide the Department of Justice with long overdue authority in investigating and prosecuting criminal antitrust violations.

Congress acted in 1890 with passage of the Sherman Antitrust Act to prohibit abusive monopolization and anticompetitive practices. Since that time, the Department of Justice's enforcement efforts have benefited consumers in terms of lower prices, greater variety, and higher quality of products and services. Despite the value and impact of criminal antitrust cases, however, criminal antitrust investigations do not currently qualify for judicially approved wiretaps. While the Justice Department may engage in court-authorized searches of business records, it may only monitor phone calls of informants or the conversations of consenting parties.

The Antitrust Criminal Investigative Improvements Act of 2005 will add criminal price fixing and bid rigging to the many crimes that are already ''predicate offenses'' for wiretap purposes. More than 150 ''predicate offenses'' are currently included in Title III of the Omnibus Crime Control and Safe Streets Act, including crimes of lesser impact and significance than criminal antitrust violations. In light of the seriousness of economic harms caused by violations of the Sherman Antitrust Act, the inability of the Justice Department to obtain wiretaps when investigating criminal antitrust violations makes little sense. Moreover, the evidence that can be acquired through wiretaps is precisely the type of evidence that is essential for the successful prosecution and prevention of serious antitrust violations. This bill equips the Department of Justice investigators and prosecutors to enforce zealously the criminal antitrust laws of the United States.

By Mr. FEINGOLD:

S. 444. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing the third in a series of bills intended to support American companies and American workers. Earlier this week, I introduced S. Con. Res. 12, which would set some minimum standards for future trade agreements into which our country enters, and S. 395, which would strengthen the Buy American Act. Today I am introducing legislation that would help workers who have lost their manufacturing or service sector jobs to be retrained for jobs in high-demand health care fields.

According to the Wisconsin Department of Workforce Development, Wisconsin has lost nearly 80,000 manufacturing jobs since 2000. Nationally, the country has lost more than 2.5 million manufacturing jobs since January 2001. In addition to the loss of manufacturing jobs, I am deeply troubled by the Bush administration's contention that the outsourcing of American service sector and other jobs is good for the economy. I am concerned about the message that this policy sends to Wisconsinites and all Americans who are currently employed in these sectors.

There is something of a silver lining to the looming cloud of manufacturing and other jobs loss: the country's workforce development system.

In spite of stretched resources and long waiting lists for services, our workforce development boards are making a tremendous effort to retrain laid-off workers and other job seekers for new jobs. And this effort is clearly evident in Wisconsin, where my State's 11 workforce development boards are leading the way in finding innovative solutions to retraining workers for new careers on shoestring budgets.

I strongly support the work of these agencies and have urged the administration and Senate appropriators to provide adequate funding for the job training programs authorized by the Workforce Investment Act. I regret that the administration's budget request for fiscal year 2006 does not provide adequate funding for WIA, and I will continue to work to ensure that the workforce development boards in my State and across our country receive the resources they need to help job seekers get the training they need to be successful.

I am committed to finding resources to retrain those who have been laid off from the manufacturing and service sectors and who wish to find new jobs in high-demand fields such as health care.

As most of my colleagues know all too well, we are facing a significant shortage of health care workers. Congress has made some progress in addressing the nursing shortage, but we need to expand our efforts. Shortages of health professionals pose a real threat to the health of our communities by impacting access to timely, high-quality health care. Studies have shown that shortages of nurses in our hospitals and health facilities increase medical errors, which directly affects patient health.

As our population ages, and the baby boomers need more health care, our need for all types of health professionals is only going to increase. This is particularly true for the field of long-term care. According to the Bureau of Labor Statistics, we are going to need an additional 1.2 million nursing aides, home health aides, and other health professionals in long-term care before the year 2010.

As our demand for health care workers grows, so does the number of jobs

available within this sector. Currently, health services is the largest industry in the country, providing 12.9 million jobs in 2002. It is estimated that 16 percent of all new jobs created between 2002 and 2012 will be in health services. This accounts for 3.5 million new jobs—more than any other industry.

According to the Wisconsin Department of Workforce Development, the surging job growth within health care will translate into a real need for workers) and real opportunity. In Wisconsin alone, there will be an additional 67,430 health care positions by 2012. This represents a 30 percent increase in jobs in health care, over twice the rate of growth for Wisconsin jobs overall.

Mr. President, workforce development agencies in my home State of Wisconsin are already working to support displaced workers in their communities by training them for health care jobs, since there is a real need for workers in these fields. These agencies are helping communities get and maintain access to high-quality health care by ensuring that there are enough health care workers to care for their communities.

As the executive director of one of the workforce development boards in my State put it, ''[t]here are simply not many good quality jobs to replace manufacturing jobs lost to rural communities. The medical professions, by offering a 'living wage' and good benefits, provide an excellent alternative to manufacturing for sustaining a higher, family oriented standard of living.''

I believe we need to support our communities in these efforts by providing them with the resources they need to establish, sustain, or expand these important programs. For that reason, today I am introducing the Community-Based Health Care Retraining Act. This bill would amend the Workforce Investment Act to authorize a demonstration project to provide grants to community-based coalitions, led by local workforce development boards, to create programs to retrain unemployed workers who wish to obtain new jobs in the health care professions. My bill would authorize a total of $25 million for grants between $100,000 and $500,000, and, in the interest of fiscal responsibility, it ensures that the cost of these grants would be offset.

This bill will help provide communities with the resources they need to run retraining programs for the health professions. The funds could be used for a variety of purposes—from increasing the capacity of our schools and training facilities, to providing financial and social support for workers who are in retraining programs. This bill allows for flexibility in the use of grant funds because I believe that communities know best about the resources they need to run an efficient program.

This bill represents a nexus in my efforts to support workers whose jobs have been shipped overseas and to ensure that all Americans have access to the high-quality health care that they deserve. By providing targeted assistance to train laid-off workers who wish to obtain new jobs in the health care sector, we can both help unemployed Americans and improve the availability and quality of health care that is available in our communities.

I am pleased that this bill is supported by a variety of organizations that are committed to providing high-quality job training and health care services, including the National Association of Workforce Boards, the Wisconsin Association of Job Training Executives, the Wisconsin Hospital Association, the Northwest Wisconsin Concentrated Employment Program, the Northwest Wisconsin Workforce Investment Board, the Southwestern Wisconsin Workforce Development Board, the West Central Wisconsin Workforce Development Board, and the Workforce Development Board of South Central Wisconsin.

Mr. President, in order to ensure that our workers are able to compete in the new economy, we must ensure that they have the tools they need to be trained or retrained for high-demand jobs such as those in the health care field. My bill is a small step toward providing the resources necessary to achieve this goal. I will continue to work to strengthen the American manufacturing sector and to support those workers who have been displaced due to bad trade agreements and other policies that have led to the loss of American jobs.

By Ms. STABENOW (for herself, Mr. CARPER, Mr. KENNEDY, Mr. SCHUMER, Mr. BINGAMAN, and Mr. JOHNSON):

S. 445. A resolution to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs; to the Committee on Finance.

Ms. STABENOW. Mr. President, today I am introducing the Medicare Prescription Drug Price Reduction Act of 2005, and am pleased to be joined by my colleagues, Senators CARPER, KENNEDY, SCHUMER, BINGAMAN, and JOHNSON.

This legislation is very simple and very straightforward: it would allow the Secretary of Health and Human Services to negotiate directly with pharmaceutical manufacturers on behalf of our seniors and the disabled to get the lowest possible prices.

Last week we learned that the Medicare prescription drug benefit will cost more than 1 trillion dollars—$1.2 trillion to be exact—just for the years 2006 through 2015.

Some of our colleagues are responding to the news of the $1.2 trillion price tag with plans to reduce the benefit. But the benefit as currently structured is far from comprehensive. Seniors are responsible for $420 in premiums, and a $250 deductible before they get one penny's worth of help towards the cost of their prescription drugs. Once the benefit kicks in, they will face a hefty copayment, and many will fall into the infamous ''hole'' in the benefit and—at the same time they continue to pay premiums—not get any assistance at all.

Even with a $1.2 trillion pricetag, our seniors will have to shoulder two-thirds of the cost of their prescription drugs. Neither the seniors and disabled, nor the taxpayers, should be paying so much for so little.

Last week's news of the cost of the benefit makes it clear that we must give Medicare the ability to use the market power of 41 million people to secure the lowest prices possible for seniors, the disabled, and the American taxpayer.

Our response to the new cost estimate shouldn't be to reduce the already meager benefit but to use our dollars more efficiently. The change that my colleagues and I are seeking would allow us to improve the drug benefit—by lowering the cost of the drugs, we could fill in the gaps in coverage and provide a more meaningful benefit.

Former HHS Secretary Thompson said at his December 3rd resignation press conference that he would have liked to have had the opportunity to negotiate lower drug prices.

I expect Secretary Thompson knows what every smart buyer knows: the more you are buying of anything, the better deal you get. We all know that Sam's Club gets the best prices on breakfast cereal, batteries, and paper towels because they represent a huge market.

And now that Secretary Leavitt is tasked with running the program, we should give him as many tools as possible to run this program at the lowest possible cost.

Today the only entity in this country that cannot bargain for lower group prices is Medicare. The States, Fortune 500 companies, large pharmacy chains, and the Veterans' Administration use their bargaining clout to obtain lower drug prices for the patients they represent.

Medicare should have that same ability. It doesn't make any sense to prohibit the Secretary from using the clout of our 41 million seniors to help get them the best possible prices on prescription drugs.

I urge my colleagues to join me in passing this commonsense approach to providing real savings for our seniors and the disabled, and ensuring the most efficient use of taxpayer dollars.

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. 445

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 ''Medicare Prescription Drug Price Reduction Act of 2005''.

SEC. 2. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and by inserting the following:

''(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—In order to ensure that each part D eligible individual who is enrolled under a prescription drug plan or an MA–PD plan pays the lowest possible price for covered part D drugs, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements of this part and in furtherance of the goals of providing quality care and containing costs under this part.''.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 446. A bill to direct the Director of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, I rise today to offer legislation that would designate New Jersey's elite urban search and rescue team, New Jersey Task Force One, as part of the National Urban Search and Rescue Response System.

I am proud to be joined by my colleague from New Jersey, Senator FRANK LAUTENBERG, in introducing this legislation today. And I am also pleased that my colleague, Congressman RODNEY FRELINGHUYSEN, has introduced similar legislation in the House of Representatives.

New Jersey Task Force One is a team comprised of career and volunteer fire, police, and EMS personnel from all 21 counties in New Jersey. The primary mission of the NJTFO is to provide advanced technical search and rescue capabilities to victims who are trapped or entombed in collapsed buildings. The NJTFO is a world-class operation whose response system mirrors the Federal Emergency Management Agencies guidelines on urban search and rescue and the appropriate National Fire Protection Association Standards.

The training, commitment, and expertise of the NJTFO has saved lives. In fact, New Jersey Task Force One was one of the first units to arrive on the scene at the World Trade Center on September 11, and they bravely conducted search, rescue, medical, and planning and logistics operations on site.

In this era of terrorism and heightened homeland security we should be doing all we can to show our commitment to our first responders. This designation would do just that for New Jersey Task Force One. More importantly, by making NJTFO a part of the National Urban Search and Rescue Team they would be eligible for Federal funding that is vital to helping them fulfill their mission. The honor of joining the other 28 members of the National Urban Search and Rescue Response System is a recognition that the NJTFO is more than deserving of.

I urge the Senate to enact this legislation and 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. 446

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

SECTION 1. ADDITION OF TASK FORCE TO NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

(a) FINDINGS.—Congress finds that—

(1) the terrorist attacks of September 11, 2001, demonstrated the importance of enhancing national domestic terrorism preparedness;

(2) 26 of the 28 urban search and rescue task forces included in the National Urban Search and Rescue Response System of the Federal Emergency Management Agency were called into action in the wake of the events of September 11;

(3) highly qualified, urban search and rescue teams not included in the National Urban Search and Rescue Response System were the first teams in New York City on September 11;

(4) the continuing threat of a possible domestic terrorist attack remains an important mission for which the United States must prepare to respond; and

(5) part of that response should be to increase the number of urban search and rescue task forces included in the National Urban Search and Rescue Response System.

(b) ADDITION OF NEW JERSEY TASK FORCE 1.—The Director of the Federal Emergency Management Agency shall designate New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System.

By Mr. DOMENICI:

S. 447. A bill to authorize the conveyance of certain Federal land in the State of New Mexico; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DOMENICI. Mr. President, today I rise to introduce an uncontroversial piece of legislation that I hope will receive prompt committee action and will make its way quickly to the President's desk for his signature.

I would first like to familiarize the Senate with the important mission and related work of the Chihuahuan Desert Nature Park in Las Cruces, NM. The Chihuahuan Desert is the largest desert in North America and contains a great diversity of unique plant and animal species. The ecosystem makes up an indispensable part of Southwest's treasured ecological diversity. As such, it is important that we teach our young ones an appreciation for New Mexico's biological diversity and impart upon them the value of this ecological treasure.

The Chihuahuan Desert Nature Park is a nonprofit institution that has spent the past 6 years providing hands-on science education to K–12th graders. To achieve this mission, the Nature Park provides classroom presentation, field trips, schoolyard ecology projects, and teacher work shops. The Nature Park serves more than 11,000 students and 600 teachers annually. This instruction will enable our future leaders to make informed decisions about how best to manage these valuable resources. I commend those at the Nature Park for taking the initiative to create and administer a wonderfully successful program that has been so beneficial to the surrounding community.

The Chihuahuan Desert Nature Park was granted a 1,000 acre easement in 1998 at the southern boundary of USDA–Agriculture Research Service, USDA–ARS, property just north of Las Cruces, NM. This easement will expire soon. It is important that we provide them a permanent location so that they are able to continue their valuable mission.

The bill I introduce today would transfer an insignificant amount of land: 1,000 of 193,000 USDA acres to the Desert Nature Park so that they may continue their important work. The USDA–ARS has approved the land transfer, noting the critically important mission of the Desert Park. I have no doubt that Senators on both sides of the aisle will recognize the importance of this land transfer.

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. 447

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 ''Jornada Experimental Range Transfer Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the Chihuahuan Desert Nature Park Board.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. CONVEYANCE OF LAND TO CHIHUAHUAN DESERT NATURE PARK BOARD.

(a) CONVEYANCE.—The Secretary may convey to the Board, by quitclaim deed, for no consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) consists of not more than 1000 acres of land selected by the Secretary—

(1) that is located in the Jornada Experimental Range in the State of New Mexico; and

(2) that is subject to an easement granted by the Agricultural Research Service to the Board.

(c) CONDITIONS.—The conveyance of land under subsection (a) shall be subject to—

(1) the condition that the Board pay—

(A) the cost of any surveys of the land; and

(B) any other costs relating to the conveyance;

(2) any rights-of-way to the land reserved by the Secretary;

(3) a covenant or restriction in the deed to the land described in subsection (b) requiring that—

(A) the land may be used only for educational purposes;

(B) if the land is no longer used for the purposes described in subparagraph (A), the land shall, at the discretion of the Secretary, revert to the United States; and

(C) if the land is determined by the Secretary to be environmentally contaminated under subsection (d)(2)(A), the Board shall remediate the contamination; and

(4) any other terms and conditions that the Secretary determines to be appropriate.

(d) REVERSION.—If the land conveyed under subsection (a) is no longer used for the purposes described in subsection (c)(3)(A)—

(1) the land shall, at the discretion of the Secretary, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States, the Secretary shall—

(A) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(B) if the Secretary determines that the land is environmentally contaminated, the Board or any other person responsible for the contamination shall remediate the contamination.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, and Mrs. MURRAY):

S. 448. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Elizabeth Wanamaker Peratrovich and Roy Peratrovich in recognition of their outstanding and enduring contributions to the civil rights and dignity of the Native peoples of Alaska and the Nation; to the Committee on Banking, Housing, and Urban Affairs.

Ms. MURKOWSKI. Mr. President, this week the people of my State of Alaska pause to recognize two giant figures in the fight for equal rights and justice under the law, the late Elizabeth and Roy Peratrovich. On February 16, 2005, the State of Alaska once again observed Elizabeth Peratrovich Day. Activities to celebrate the legacy of Elizabeth and Roy Peratrovich are taking place in schools and cultural centers throughout Alaska this week. This coming Saturday, the Alaska Native Heritage Center in Anchorage will conduct a day-long celebration of the Peratrovich legacy.

Roy and Elizabeth are to the Native peoples of Alaska what Dr. Martin Luther King, Jr., and Rosa Parks are to African Americans. Everybody knows about Dr. Martin Luther King, Jr. and Rosa Parks, but hardly anyone outside the State of Alaska knows about Roy and Elizabeth Peratrovich. Today, I rise to once again share the Peratrovich legacy with the Senate.

Elizabeth was born in 1911, about 17 years before Dr. King. She was born in Petersburg, AK. After college she married Roy Peratrovich, a Tlingit from Klawock, AK, and the couple had three children. Roy and Elizabeth moved to Juneau. They were excited about buying a new home. But they could not buy the house that they wanted because they were Native. They could not enter the stores or restaurants they wanted. Outside some of these stores and restaurants there were signs that read ''No Natives Allowed.'' History has also recorded a sign that read ''No Dogs or Indians Allowed.''

On December 30, 1941, following the invasion of Pearl Harbor, Elizabeth and Roy wrote to Alaska's Territorial Governor:

> In the present emergency our Native boys are being called upon to defend our beloved country. There are no distinctions being made there. Yet when we patronized good business establishments we are told in most cases that Natives are not allowed.
>
> The proprietor of one business, an inn, does not seem to realize that our Native boys are just as willing to lay down their lives to protect the freedom he enjoys. Instead he shows his appreciation by having a 'No Natives Allowed' sign on his door.

In that letter Elizabeth and Roy noted:

> We were shocked when the Jews were discriminated against in Germany. Stories were told of public places having signs, ''No Jews Allowed.'' All freedom loving people were horrified at what was being practiced in Germany, yet it is being practiced in our own country.

In 1943, the Alaska Legislature, at the behest of Roy and Elizabeth considered an antidiscrimination law. It was defeated. But Roy and Elizabeth were not defeated. Two years later, in 1945, the antidiscrimination measure was back before the Alaska Terrritorial Legislature. It passed the lower house, but met with stiff opposition in the Territorial Senate.

One by one Senators took to the floor to debate the closely contested legislation. One Senator argued that ''the races should be kept further apart.'' This Senator went on to rhetorically question, ''Who are these people, barely out of savagery, who want to associate with us whites with 5,000 years of recorded civilization behind us?''

Elizabeth Peratrovich was observing the debate from the gallery. As a citizen, she asked to be heard and in accordance with the custom of the day was recognized to express her views.

In a quiet, dignified and steady voice this ''fighter with velvet gloves'' responded, ''I would not have expected that I, who am barely out of savagery, would have to remind gentlemen with 5,000 years of recorded history behind them of our Bill of Rights.''

She was asked by a Senator if she thought the proposed bill would eliminate discrimination, Elizabeth Peratrovich queried in rebuttal, ''Do your laws against larceny and even murder prevent these crimes? No law will eliminate crimes but at least you as legislators can assert to the world that you recognize the evil of the present situation and speak your intent to help us overcome discrimination.''

When she finished, there was a wild burst of applause from the gallery and the Senate floor alike. The territorial Senate passed the bill by a vote of 11 to 5. On February 16, 1945, Alaska had an antidiscrimination law that provided that all citizens of the territory of Alaska are entitled to full and equal enjoyment of public accommodations. Following passage of the anti-discrimination law, Roy and Elizabeth could be seen dancing at the Baranof Hotel, one of Juneau's finest. They danced among people they didn't know. They danced in a place where the day before they were not welcome.

There is an important lesson to be learned from the battles of Elizabeth and Roy Peratrovich. Even in defeat, they knew that change would come from their participation in our political system. They were not discouraged by their defeat in 1943. They came back fighting and enjoyed the fruits of their victory 2 years later.

Twenty-four years before Alaska's statehood and 18 years before Dr. Martin Luther King, Jr. spoke of his dream for racial equity under the law, Alaska had a law protecting civil rights. Elizabeth would not live to see the United States adopt the same law she brought to Alaska in 1945. She passed away in 1958 at the age of 47, 6 years before civil rights legislation would pass nationally.

In addition to the annual observance of Elizabeth Peratrovich Day, the State of Alaska has acknowledged Elizabeth Peratrovich's contribution to history by designating one of the public galleries in the Alaska House of Representatives as the Elizabeth Peratrovich Gallery.

But what about Roy? Why has his role not been recognized? Roy Peratrovich passed away in 1989 at age 81. He died 9 days before the first Elizabeth Peratrovich Day was observed in the State of Alaska. Perhaps it was because Roy was still alive at the time this honor was bestowed, it is Elizabeth who has gotten all the credit for passage of the antidiscrimination

Members of the Peratrovich family tell me that this is not entirely unjustified because without Elizabeth's stirring speech the antidiscrimination law would not have passed. But they also point out, as does the historical record, that Elizabeth and Roy were a

focused and effective team. History should recognize that the antidiscrimination law was enacted due to the joint efforts of Roy and Elizabeth Peratrovich. I rise today to do my part toward that end.

Joined by my colleagues, the distinguished senior Senator from Alaska, Mr. STEVENS, and my distinguished colleague from the State of Washington, Ms. CANTWELL, I am pleased to once again offer legislation to recognize the contributions of Roy and Elizabeth Peratrovich with a Congressional Gold Medal. I invite all of my colleagues to join with me in cosponsoring this important legislation. Congressional Gold Medals have been awarded to a number of African Americans who have made contributions to the cause of civil rights, among them, Rosa Parks, Roy Wilkins, Dorothy Height, the nine brave individuals who desegregated the schools of Little Rock, Arkansas, and others involved in the effort to desegregate public education.

With the opening of the very popular National Museum of the American Indian last year our Nation is focusing on the many contributions of our first people and the challenges they have faced throughout our Nation's history. It is time that we also acknowledge the work of American Indians, Alaska Natives and Native Hawaiians in the struggle for civil rights and social justice. Honoring Elizabeth and Roy Peratrovich's substantial contribution with a Congressional Gold Medal is a fine start.

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. 448

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Elizabeth Wanamaker, a Tlingit Indian, was born on July 4, 1911, in Petersburg, Alaska.

(2) Elizabeth married Roy Peratrovich, a Tlingit Indian from Klawock, Alaska, on December 15, 1931.

(3) In 1941, the couple moved to Juneau, Alaska.

(4) Roy and Elizabeth Peratrovich discovered that they could not purchase a home in the section of Juneau in which they desired to live due to discrimination against Alaska Natives.

(5) In the early 1940s, there were reports that some businesses in Southeast Alaska posted signs reading ''No Natives Allowed''.

(6) Roy, as Grand President of the Alaska Native Brotherhood, and Elizabeth, as Grand President of the Alaska Native Sisterhood, petitioned the Territorial Governor and the Territorial Legislature to enact a law prohibiting discrimination against Alaska Natives in public accommodations.

(7) Rebuffed by the Territorial Legislature in 1943, they again sought passage of an antidiscrimination law in 1945.

(8) On February 8, 1945, as the Alaska Territorial Senate debated the anti-discrimination law, Elizabeth, who was sitting in the visitor's gallery of the Senate, was recognized to present her views on the measure.

(9) The eloquent and dignified testimony given by Elizabeth that day is widely credited for passage of the anti-discrimination law.

(10) On February 16, 1945, Territorial Governor Ernest Gruening signed into law an act prohibiting discrimination against all citizens within the jurisdiction of the Territory of Alaska in access to public accommodations and imposing a penalty on any person who shall display any printed or written sign indicating discrimination on racial grounds of such full and equal enjoyment.

(11) 19 years before Congress enacted the Civil Rights Act of 1964, and 18 years before the Reverend Dr. Martin Luther King, Jr. delivered his ''I Have a Dream'' speech, one of America's first antidiscrimination laws was enacted in the Territory of Alaska, thanks to the efforts of Elizabeth and Roy Peratrovich.

(12) Since 1989, the State of Alaska has observed Elizabeth Peratrovich Day on February 16 of each year, and a visitor's gallery of the Alaska House of Representatives in the Alaska State Capitol has been named for Elizabeth Peratrovich.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED. —The President is authorized, on behalf of the Congress, to posthumously award a gold medal of appropriate design to Elizabeth Wanamaker Peratrovich and Roy Peratrovich, in recognition of their outstanding and enduring contributions to the civil rights and dignity of the Native peoples of Alaska and the Nation.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such sum as may be appropriate to pay for the cost of the medals authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

By Ms. MURKOWSKI:

S. 449. A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes; to the Committee on Indian Affairs.

Ms. MURKOWSKI. Mr. President, more than 30 years have passed since Congress enacted the Alaska Native Claims Settlement Act which settled the aboriginal land claims of the first inhabitants of Alaska by making each eligible Alaska Native a shareholder in 1 of 13 regional corporations and many of these people shareholders in a village corporation as well. Each of the corporations was capitalized with land and money.

The Alaska Native Claims Settlement Act was a bold experiment, and its implementation was not without controversy. As originally enacted, the law provided that a shareholder of an Alaska Native Corporation could sell his or her stock on or after December 18, 1991, without any intervening action by the corporation.

This provision could have resulted in massive sales of stock by Native shareholders in the ensuing years and caused the wholesale transfer of Native assets to non-Native interests. Thanks to the leadership of the Senator from Alaska, Mr. STEVENS, this catastrophe was averted through a series of amendments to the Act, signed into law in 1987, which forbade the sale of corporate stock without the consent of the corporation's shareholders.

This landmark legislation brought an end to the speculation about whether the Native corporations would survive long enough to fulfill the goal that Congress set for them, which was to be the springboard for the economic, social and political empowerment of Alaska's Native people, or alternatively execute the temporary transfer of land and capital which would ultimately end up in non-Native hands. I am proud, that none of the Native corporations have opened their stock to purchase by outsiders. In fact, I see nothing on the horizon to suggest that any of the corporations will take up this question in the foreseeable future.

If history is any guide, the Alaska Native Corporations are destined to remain in Native hands for a long time to come. This is good news for the Native people of Alaska and it is good news for my State as a whole.

I rise today to offer legislation, requested by the Alaska Federation of Natives and the Association of ANCSA Presidents and CEOs, which is intended to address a piece of unfinished business left by the 1987 amendments to the act.

Under the act, as originally passed, stock in an Alaska Native corporation was generally only available to an Alaska Native born on or before December 18, 1971 and those who might inherit stock from a deceased shareholder. The original legislation gave little thought to offering those born after December 18, 1971 a role in the corporation. In effect, the original legislation disenfranchised an entire generation born after the cutoff date from

having a stake in the Native corporations. It disenfranchised an entire generation of young people from playing a role in the governance of the Native corporations and from having an ownership interest in their Native lands.

The 1987 amendments allowed the shareholders of a Native corporation to remedy this unintended consequence by allowing new stock to be issued to the descendants of a corporation's original shareholders provided that a majority of the outstanding shares agreed. Under the 1987 amendments, such stock could only be issued to those descendants who had one quarter or more Alaska Native blood. A subsequent technical amendment allowed the stock to be issued to descendants without regard to their blood quantum, at the option of each corporation's shareholders.

Time has demonstrated that the remedy for incorporating the generation born after December 18, 1971 is an imperfect one. This is sad because one of the most important responsibilities faced by the Board of Directors of any corporation is to plan for its own succession and the succession of the corporation's leadership.

Since 1987, less than a handful of the 13 regional Native corporations have put the question of enrolling the next generation to their shareholders. However, all of the corporations that have considered the question have voted in the affirmative.

Why then have more corporations not taken the question to a vote? The answer seems to lie in the voting requirements imposed by the 1987 amendments, which essentially requires an affirmative vote of a supermajority of the shares represented in person or by proxy at a shareholder meeting. In order for a corporation to obtain an affirmative vote of a majority of its outstanding shares, something of the order of 80 percent of the corporation's stockholders must be represented at the meeting in person or by proxy. Under present law, any shareholder who does not attend the meeting or submit a proxy is deemed to have voted in the negative.

When Doyon, Limited, the regional Native corporation for Interior Alaska, took the question of enrolling the generation of descendants born between 1971 and 1992 to its shareholders at its 1992 annual meeting, some 79.2 percent of the shareholders expressed an opinion in person or proxy. Still, the decision to approve the enrollment passed by the narrowest of margins. This was a record quorum for the corporation, which had 9,061 original shareholders, and the record has yet to be broken.

Sealaska Corporation, the regional Native corporation for Southeast Alaska, had more original shareholders than any other regional Native corporation. Sealaska had 15,700 original shareholders, each owning 100 shares of stock. Sealaska has never enjoyed a quorum of 79.2 percent and is pessimistic that such a quorum could ever be mustered. Accordingly, Sealaska, which has been pondering the question of enrolling the next generation for many years, has been deterred from putting the question to a stockholder vote by the supermajority voting requirement in the 1987 amendment.

Whether Sealaska enrolls the generation born after 1971 is not up to me. It is up to the shareholders of Sealaska. But I think the Congress owes it to the next generation of Alaska Natives to offer a level playing field when it comes to participation in their Native corporations.

In addressing the Alaska Native community, I often make reference to a marvelous book by Alexandra J. McClanahan entitled ''Growing Up Native in Alaska.'' In this book, A.J. profiled 27 Alaska Natives born between 1957 and 1976 and allowed them in their own words to speak about what it means to be an Alaska Native. Some of the people profiled in the book received stock under the 1971 act while others missed the deadline. I will quote from this book for the RECORD.

One of these 27 Alaska Natives is Jaeleen Kookesh-Araujo, a Tlingit Indian, who grew up in the village of Angoon, AK. Jaeleen is a bright young attorney who works at one of Washington's most respected law firms. She is precisely the type of person who is well positioned to lead her regional corporation, Sealaska, into the future. And she is one of many Alaska Natives who was born after December 18, 1971. Jaeleen has an opportunity to participate in Sealaska's governance because her parents gave her some of their stock as a gift, but she remains concerned that others of her generation have been left out.

This is what Jaeleen said about why it is important to make stock available to the descendants.

> I am a shareholder thanks to my parents gifting me shares, but there are a lot of young people who are never going to be shareholders. If you have one parent with several children, they can try to allocate shares to all of them, but some may be left out. Or, maybe you have a Native child who has been adopted who doesn't have parents with shares—whatever. There are going to be a lot of young Native people left out of this corporate structure, and it's really sad. Eventually, there may be a problem because you're going to have a lot of young, talented Alaska Native people going out to get educated. They're going to have a lot of expertise and education in ways that might benefit the corporation, and yet you have to wonder if they're really going to want to be involved in these Native corporations that they don't even belong to. I do want to be involved in the Native corporations because this is my ancestors' land that they're managing and developing and protecting . . .

I am not going to tell you that each of the 27 young people that A.J. profiled feels the same way. Another young Native profiled in A.J.'s book supported the status quo in spite of the fact that he was born 2 days after the cutoff.

> I really don't think it's necessary to adjust for the future generations. The idea of gifting and willing stock is a really efficient method, and I think we ought to stick with that, rather than having to expand and degrade the stock, allowing the children to be shareholders. It's unfair that we as children born after December 18th are not shareholders, but in order to keep the integrity of the stock, I think it's essential that we continue on with the method of granting, gifting and willing stock.

The final quote is from a Doyon shareholder who was involved in that company's decision to make new stock available to those born between 1971 and 1992.

> When I first started I thought, ''I don't want my dividend to get smaller.'' I was an intern in Doyon's Shareholder Relations, so I was involved in the committee that was studying the issue to enroll children born after 1971. When it was time to vote, I thought: ''Darned if I'm letting my nieces and nephews not be involved.'' I was a total turnaround. There was no way I was going to leave them out. There was no difference between me and them. They were just born later.

As you can see, there may not be unanimity on the question of whether new stock should be made available to the descendants. But I think we all can agree that the debate is a healthy one and the debate will not take place in earnest unless Congress relaxes the supermajority standard imposed by the 1987 amendments.

The legislation I am introducing today would allow the shareholders of a Native corporation to authorize new stock for those born after December 18, 1971 by a majority vote of the shares present and voting at a duly constituted meeting of the shareholders. Shareholders who want to make the stock available will have the opportunity to vote yes. Those who do not will have the opportunity to vote no. Those who choose not to participate, place the fate of the question in the hands of those who choose to participate. The majority prevails.

The 1987 amendments authorized Native corporations to make additional shares available to Native elders and to enroll those who were eligible to receive stock as original shareholders but who failed to enroll. The number of missed enrollees is expected to be small. My legislation would change the voting standard for these two categories to a majority of the shares present and voting as well.

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

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

S. 449

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

SECTION 1. TECHNICAL AMENDMENT TO ALASKA NATIVE CLAIMS SETTLEMENT ACT.

Section 36(d)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended—

(1) by striking ''(d)(3)'' and inserting ''(3)'';

(2) in the matter preceding subparagraph (A), by striking ''of this section'' and inserting ''or an amendment to articles of incorporation under section 7(g)(1)(B)'';

(3) in subparagraph (A)—

(A) by striking '', or'' and inserting ''; or''; and

(B) by striking ''such resolution'' and inserting ''the resolution or amendment to articles of incorporation''; and

(4) in subparagraph (B), by striking ''such resolution'' and inserting ''the resolution or amendment to articles of incorporation''.

By Mrs. CLINTON (for herself, Mrs. BOXER, Mr. KERRY, Mr. LAUTENBERG, and Ms. MIKULSKI):

S. 450. A bill to amend the Help America Vote Act of 2002 to require a voter-verified paper record, to improve provisional balloting, to impose additional requirements under such Act, and for other purposes; to the Committee on Rules and Administration.

Mrs. CLINTON. 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. 450

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Count Every Vote Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VOTER VERIFICATION AND AUDITING

Sec. 101. Promoting accuracy, integrity, and security through preservation of a voter-verified paper record or hard copy.
Sec. 102. Requirement for mandatory recounts.
Sec. 103. Specific, delineated requirement of study, testing, and development of best practices.
Sec. 104. Voter verification and audit capacity funding.
Sec. 105. Reports and provision of security consultation services.
Sec. 106. Improvements to voting systems.

TITLE II—PROVISIONAL BALLOTS

Sec. 201. Requirements for casting and counting provisional ballots.

TITLE III—ADDITIONAL REQUIREMENTS UNDER THE HELP AMERICA VOTE ACT OF 2002

SUBTITLE A—SHORTENING VOTER WAIT TIMES

Sec. 301. Minimum required voting systems, poll workers, and election resources.
Sec. 302. Requirements for jurisdictions with substantial voter wait times.

SUBTITLE B—NO-EXCUSE ABSENTEE VOTING

Sec. 311. No-excuse absentee voting.

SUBTITLE C—COLLECTION AND DISSEMINATION OF ELECTION DATA

Sec. 321. Data collection.

SUBTITLE D—ENSURING WELL RUN ELECTIONS

Sec. 331. Training of election officials.
Sec. 332. Impartial administration of elections.

SUBTITLE E—STANDARDS FOR PURGING VOTERS

Sec. 341. Standards for purging voters.

SUBTITLE F—ELECTION DAY REGISTRATION AND EARLY VOTING

Sec. 351. Election day registration.
Sec. 352. Early voting.

TITLE IV—VOTER REGISTRATION AND IDENTIFICATION

Sec. 401. Voter registration.
Sec. 402. Establishing voter identification.
Sec. 403. Requirement for Federal certification of technological security of voter registration lists.

TITLE V—PROHIBITION ON CERTAIN CAMPAIGN ACTIVITIES

Sec. 501. Prohibition on certain campaign activities.

TITLE VI—ENDING DECEPTIVE PRACTICES

Sec. 601. Ending deceptive practices.

TITLE VII—CIVIC PARTICIPATION BY EX-OFFENDERS

Sec. 701. Voting rights of individuals convicted of criminal offenses.

TITLE VIII—FEDERAL ELECTION DAY ACT

Sec. 801. Short title.
Sec. 802. Federal Election Day as a public holiday.
Sec. 803. Study on encouraging government employees to serve as poll workers.

TITLE IX—TRANSMISSION OF CERTIFICATE OF ASCERTAINMENT OF ELECTORS

Sec. 901. Transmission of certificate of ascertainment of electors.

TITLE X—STRENGTHENING THE ELECTION ASSISTANCE COMMISSION

Sec. 1001. Strengthening the Election Assistance Commission.
Sec. 1002. Repeal of exemption of Election Assistance Commission from certain Government contracting requirements.
Sec. 1003. Authorization of appropriations.

TITLE I—VOTER VERIFICATION AND AUDITING

SEC. 101. PROMOTING ACCURACY, INTEGRITY, AND SECURITY THROUGH PRESERVATION OF A VOTER-VERIFIED PAPER RECORD OR HARD COPY.

(a) VOTER VERIFICATION AND MANUAL AUDIT CAPACITY.—

(1) IN GENERAL.—Section 301(a)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is amended to read as follows:

''(2) VOTER VERIFICATION AND MANUAL AUDIT CAPACITY.—

''(A) VOTER VERIFICATION.—

''(i) The voting system shall produce an individual voter-verifiable paper record of the vote that shall be made available for inspection and verification by the voter before the vote is cast.

''(ii) The voting system shall provide the voter with an opportunity to correct any error made by the system in the voter-verifiable paper record before the permanent voter-verified paper record is preserved in accordance with subparagraph (B)(i).

''(B) MANUAL AUDIT CAPACITY.—The permanent voter-verified paper record produced in accordance with subparagraph (A) shall—

''(i) be preserved within the polling place, in the manner, if any, in which all other paper ballots are preserved within that polling place, or, in the manner employed by the jurisdiction for preserving paper ballots in general, for later use in any manual audit;

''(ii) be suitable for a manual audit equivalent to that of a paper ballot voting system; and

''(iii) be available as the official record and shall be the official record used for any recount conducted with respect to any Federal election in which the system is used.''.

(2) PROHIBITION OF USE OF THERMAL PAPER.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraph:

''(7) PROHIBITION OF USE OF THERMAL PAPER.—The voter-verified paper record produced in accordance with paragraph (2)(A) shall not be produced on thermal paper, but shall instead be produced on paper of archival quality.''.

(3) CONFORMING AMENDMENT.—Section 301(a)(1)(A)(ii) of the Help America Vote Act (42 U.S.C. 15481(a)(1)(A)(ii)) is amended by inserting ''and before the paper record is produced under paragraph (2)'' before the semicolon at the end.

(b) VOTER-VERIFICATION OF RESULTS FOR INDIVIDUALS WITH DISABILITIES AND LANGUAGE MINORITY VOTERS.—Paragraph (3) of section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(3)) is amended to read as follows:

''(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES AND FOR LANGUAGE MINORITIES.—

''(A) IN GENERAL.—The voting system shall—

''(i) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access, participation (including privacy and independence), inspection, and verification as for other voters;

''(ii) be accessible for language minority individuals to the extent required under section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1), in a manner that provides the same opportunity for access, participation (including privacy and independence), inspection, and verification as for other voters;

''(iii) satisfy the requirement of clauses (i) and (ii) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

''(iv) if purchased with funds made available under title II on or after November 1, 2006, meet the voting system standards for disability access (as outlined in this paragraph).

''(B) VERIFICATION REQUIREMENTS.—Any direct recording electronic voting system or other voting system described in subparagraph (A)(iii) shall use a mechanism that separates the function of vote generation from the function of vote casting and shall produce, in accordance with paragraph (2)(A), an individual paper record which—

''(i) shall be used to meet the requirements of paragraph (2)(B);

''(ii) shall be available for visual, audio, and pictorial inspection and verification by the voter, with language translation available for all forms of inspection and verification in accordance with the requirements of section 203 of the Voting Rights Act of 1965;

''(iii) shall not require the voter to handle the paper; and

''(iv) shall not preclude the use of Braille or tactile ballots for those voters who need them.

The requirement of clause (iii) shall not apply to any voting system certified by the Independent Testing Authorities before the date of the enactment of this Act.

''(C) REQUIREMENTS FOR LANGUAGE MINORITIES.—Any record produced under subparagraph (B) shall be subject to the requirements of section 203 of the Voting Rights Act of 1965 to the extent such section is applicable to the State or jurisdiction in which such record is produced.''.

(c) ADDITIONAL VOTING SYSTEM REQUIREMENTS.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)), as amended by subsection (a)(2), is amended by adding to the end the following new paragraphs:

''(8) INSTRUCTION OF ELECTION OFFICIALS.—Each State shall ensure that election officials are instructed on the right of any individual who requires assistance to vote by reason of blindness, other disability, or inability to read or write to be given assistance by a person chosen by that individual under section 208 of the Voting Rights Act of 1965.

''(9) PROHIBITION OF USE OF UNDISCLOSED SOFTWARE IN VOTING SYSTEMS.—No voting system shall at any time contain or use any undisclosed software. Any voting system containing or using software shall disclose the source code, object code, and executable representation of that software to the Commission, and the Commission shall make that source code, object code, and executable representation available for inspection upon request to any citizen.

''(10) PROHIBITION OF USE OF WIRELESS COMMUNICATION DEVICES IN VOTING SYSTEMS.—No voting system shall use any wireless communication device.

''(11) CERTIFICATION OF SOFTWARE AND HARDWARE.—All software and hardware used in any electronic voting system shall be certified by laboratories accredited by the Commission as meeting the requirements of paragraphs (9) and (10).

''(12) SECURITY STANDARDS FOR MANUFACTURERS OF VOTING SYSTEMS USED IN FEDERAL ELECTIONS.—

''(A) IN GENERAL.—No voting system may be used in an election for Federal office unless the manufacturer of such system meets the requirements described in subparagraph (B).

''(B) REQUIREMENTS DESCRIBED.—The requirements described in this subparagraph are as follows:

''(i) The manufacturer shall conduct background checks on individuals who are programmers and developers before such individuals work on any software used in connection with the voting system.

''(ii) The manufacturer shall document the chain of custody for the handling of software used in connection with voting systems.

''(iii) The manufacturer shall ensure that any software used in connection with the voting system is not transferred over the Internet.

''(iv) In the same manner and to the same extent described in paragraph (9), the manufacturer shall provide the codes used in any software used in connection with the voting system to the Commission and may not alter such codes once certification by the Independent Testing Authorities has occurred unless such system is recertified.

''(v) The manufacturer shall implement procedures to ensure internal security, as required by the Director of the National Institute of Standards and Technology.

''(vi) The manufacturer shall meet such other requirements as may be established by the Director of the National Institute of Standards and Technology.''.

(d) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the amendments made by this section on and after November 1, 2006.

SEC. 102. REQUIREMENT FOR MANDATORY RECOUNTS.

On and after the date of the enactment of this Act, the Election Assistance Commission shall conduct random unannounced manual mandatory recounts of the voter-verified records of each election for Federal office (and, at the option of the State or jurisdiction involved, of elections for State and local office held at the same time as such an election for Federal office) in 2 percent of the polling locations (or, in the case of any polling location which serves more than 1 precinct, 2 percent of the precincts) in each State and with respect to 2 percent of the ballots cast by uniformed and overseas voters immediately following the election and shall promptly publish the results of those recounts in the Federal Register. In addition, the verification system used by the Election Assistance Commission shall meet the error rate standards described in section 301(a)(5) of the Help America Vote Act of 2002.

SEC. 103. SPECIFIC, DELINEATED REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF BEST PRACTICES.

(a) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381 et seq.) is amended by—

(1) redesignating section 247 as section 248; and

(2) by inserting after section 246 the following new section:

''SEC. 247. STUDY, TESTING, AND DEVELOPMENT OF BEST PRACTICES TO ENHANCE ACCESSIBILITY AND VOTER-VERIFICATION MECHANISMS FOR DISABLED VOTERS.

''The Election Assistance Commission shall study, test, and develop best practices to enhance accessibility and voter-verification mechanisms for individuals with disabilities.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 104. VOTER-VERIFICATION AND AUDIT CAPACITY FUNDING.

(a) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new part:

''PART 7—VOTER-VERIFICATION AND AUDIT CAPACITY FUNDING

''SEC. 297. VOTER-VERIFICATION AND AUDIT CAPACITY FUNDING.

''(a) PAYMENTS TO STATES.—Subject to subsection (b), not later than the date that is 30 days after the date of the enactment of the Count Every Vote Act of 2005, the Election Assistance Commission shall pay to each State an amount to assist the State in paying for the implementation of the voter-verification and audit capacity requirements of paragraphs (2) and (3) of section 301(a), as amended by subsections (a) and (b) of section 2 of such Act.

''(b) LIMITATION.—The amount paid to a State under subsection (a) for each voting system purchased by a State may not exceed the average cost of adding a printer with accessibility features to each type of voting system that the State could have purchased to meet the requirements described in such subsection.

''SEC. 298. APPROPRIATION.

''There are authorized and appropriated $500,000,000 to the Election Assistance Commission, without fiscal year limitation, to make payments to States in accordance with section 297(a). Furthermore, there are authorized and appropriated $20,000,000 to the Election Assistance Commission, for each of fiscal years 2006 through 2010, in addition to any amounts otherwise appropriated for administrative costs to assist with conducting recounts, the implementation of voter verification systems, and improved security measures.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 105. REPORTS AND PROVISION OF SECURITY CONSULTATION SERVICES.

(a) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381 et seq.), as amended by section 103, is amended by—

(1) redesignating section 248 as section 249; and

(2) by inserting after section 247 the following new section:

''SEC. 248. REPORTS AND PROVISION OF SECURITY CONSULTATION SERVICES.

''(a) REPORT TO CONGRESS ON SECURITY REVIEW.—Not later than 6 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit to Congress a report on a proposed security review and certification process for all voting systems used in elections for Federal office, including a description of the certification process to be implemented under section 231.

''(b) REPORT TO CONGRESS ON OPERATIONAL AND MANAGEMENT SYSTEMS.—Not later than 3 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission shall submit to Congress a report on operational and management systems applicable with respect to elections for Federal office, including the security standards for manufacturers described in section 301(a)(7), that should be employed to safeguard the security of voting systems, together with a proposed schedule for the implementation of each such system.

''(c) PROVISION OF SECURITY CONSULTATION SERVICES.—

''(1) IN GENERAL.—On and after the date of the enactment of the Count Every Vote Act of 2005, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall provide security consultation services to States and local jurisdictions with respect to the administration of elections for Federal office.

''(2) APPROPRIATION.—To carry out the purposes of paragraph (1), $2,000,000 is appropriated for each of fiscal years 2006 through 2010.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 106. IMPROVEMENTS TO VOTING SYSTEMS.

(a) IN GENERAL.—Subparagraph (B) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(B)) is amended by striking '', a punch card voting system, or a central count voting system''.

(b) CLARIFICATION OF REQUIREMENTS FOR PUNCH CARD SYSTEMS.—Subparagraph (A) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)) is amended by inserting ''punch card voting system,'' after ''any''.

(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the amendments made by this section on and after November 1, 2006.

(d) RESIDUAL VOTE BENCHMARK.—.

(1) IN GENERAL.—The error rate of the voting system (as defined under section 301 of the Help America Vote Act of 2002) in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by Election Assistance Commission.

(2) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in paragraph (1), the Election Assistance Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Commission shall base the benchmark issued and maintained under this subparagraph on evidence of good practices in representative jurisdictions.

(3) HISTORICALLY HIGH INTENTIONAL UNDERVOTES.—

(A) Congress finds that there are certain distinct communities in certain geographic areas that have historically high rates of intentional undervoting in elections for Federal office, relative to the rest of the Nation.

(B) In establishing the benchmark described in subparagraph (B), the Election Assistance Commission shall—

(i) study and report to Congress on the occurrences of distinct communities that have significantly higher than average rates of historical intentional undervoting; and

(ii) promulgate for local jurisdictions in which that distinct community has a substantial presence either a separate benchmark or an exclusion from the national benchmark, as appropriate.

TITLE II—PROVISIONAL BALLOTS

SEC. 201. REQUIREMENTS FOR CASTING AND COUNTING PROVISIONAL BALLOTS.

(a) ELIGIBILITY OF PROVISIONAL BALLOTS.—

(1) IN GENERAL.—Paragraph (4) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(4)) is amended by inserting at the end the following new sentence: ''The determination of eligibility shall be made without regard to the location at which the voter cast the provisional ballot and without regard to any requirement to present identification to any election official.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to States and jurisdictions on and after November 1, 2006.

(b) TIMELY PROCESSING OF BALLOTS.—

(1) IN GENERAL.—Subsection (a) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)) is amended by inserting after paragraph (5) the following new paragraph:

''(6) The appropriate State election official shall develop, according to guidelines established by the Election Assistance Commission, reasonable procedures to assure the timely processing and counting of provisional ballots, including—

''(A) standards for timely processing and counting to assure that, after the conclusion of the provisional vote count, parties and candidates may have full, timely, and effective recourse to the recount and contest procedures provided by State law; and

''(B) standards for the informed participation of candidates and parties such as are consistent with reasonable procedures to protect the security, confidentiality, and integrity of personal information collected in the course of the processing and counting of provisional ballots.''.

(2) EFFECTIVE DATE.—Subsection (d) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(d)) is amended—

(A) by striking ''Each State'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), each State''; and

(B) by inserting at the end the following new paragraph:

''(2) PROCESSING.—Each State shall be required to comply with the requirements of subsection (a)(6) on and after the date that is 6 months after the date of the enactment of the Count Every Vote Act of 2005.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 6 months after the date of enactment of this Act.

TITLE III—ADDITIONAL REQUIREMENTS UNDER THE HELP AMERICA VOTE ACT OF 2002

Subtitle A—Shortening Voter Wait Times

SEC. 301. MINIMUM REQUIRED VOTING SYSTEMS, POLL WORKERS, AND ELECTION RESOURCES.

(a) MINIMUM REQUIREMENTS.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle C—Additional Requirements

''SEC. 321. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

''(a) IN GENERAL.—Each State shall provide for the minimum required number of voting systems, poll workers, and other election resources (including all other physical resources) for each voting site on the day of any Federal election and on any days during which such State allows early voting for a Federal election in accordance with the standards determined under section 299.

''(b) VOTING SITE.—For purposes of this section and section 299, the term 'voting site' means a polling location, except that in the case of any polling location which serves more than 1 precinct, such term shall mean a precinct.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after October 1, 2006.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and subtitle C''.

(b) STANDARDS.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle E—Guidance and Standards

''SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

''(a) IN GENERAL.—Not later than January 1, 2006, the Commission shall issue standards regarding the minimum number of voting systems, poll workers, and other election resources (including all other physical resources) required under section 321 on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

''(b) DISTRIBUTION.—

''(1) IN GENERAL.—The standards described in subsection (a) shall provide for a uniform and nondiscriminatory distribution of such systems, workers, and other resources, and shall take into account, among other factors, the following with respect to any voting site:

''(A) The voting age population.

''(B) Voter turnout in past elections.

''(C) The number of voters registered.

''(D) The number of voters who have registered since the most recent Federal election.

''(E) Census data for the population served by such voting site.

''(F) The educational levels and socio-economic factors of the population served by such voting site.

''(G) The needs and numbers of disabled voters and voters with limited English proficiency.

''(H) The type of voting systems used.

''(2) NO FACTOR DISPOSITIVE.—The standards shall provide that any distribution of such systems shall take into account the totality of all relevant factors, and no single factor shall be dispositive under the standards.

''(3) PURPOSE.—To the extent possible, the standards shall provide for a distribution of voting systems, poll workers, and other election resources with the goals of—

''(A) ensuring an equal waiting time for all voters in the State; and

''(B) preventing a waiting time of over 1 hour at any polling place.

''(c) DEVIATION.—The standards described in subsection (a) shall permit States, upon giving reasonable public notice, to deviate from any allocation requirements in the case of unforseen circumstances such as a natural disaster or terrorist attack.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described under subtitle E;''.

SEC. 302. REQUIREMENTS FOR JURISDICTIONS WITH SUBSTANTIAL VOTER WAIT TIMES.

(a) IN GENERAL.—The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.) is amended by adding at the end the following new title:

''TITLE X—REMEDIAL PLANS FOR STATES WITH EXCESSIVE VOTER WAIT TIMES

''SEC. 1001. REMEDIAL PLANS FOR STATES WITH EXCESSIVE VOTER WAIT TIMES.

''(a) IN GENERAL.—Each jurisdiction for which the Election Assistance Commission determines that a substantial number of voters waited more than 90 minutes to cast a vote in the election on November 2, 2004, shall comply with a State remedial plan established under this section.

''(b) STATE REMEDIAL PLANS.—For each State or jurisdiction which is required to comply with this section, the Election Assistance Commission shall establish a State remedial plan to minimize the waiting times of voters.

''(c) JURISDICTION.—For purposes of this section, the term 'jurisdiction' has the same meaning as the term 'registrar's jurisdiction' under section 8 of the National Voter Registration Act of 1993.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—No-excuse Absentee Voting

SEC. 311. NO-EXCUSE ABSENTEE VOTING.

Subtitle C of title III of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

"SEC. 322. NO-EXCUSE ABSENTEE VOTING.

''(a) IN GENERAL.—Each State and jurisdiction shall permit any person who is otherwise qualified to vote in an election for Federal office to vote in such election in a manner other than in person without regard to any restrictions on absentee voting under State law.

''(b) SUBMISSION AND PROCESSING.—

''(1) IN GENERAL.—Any ballot cast under subsection (a) shall be submitted and processed in the manner provided for absentee ballots under State law.

''(2) DEADLINE.—Any ballot cast under subsection (a) shall be counted if postmarked or signed before the close of the polls on election day and received by the appropriate State election official on or before the date which is 10 days after the date of the election or the date provided for the receipt of absentee ballots under State law, whichever is later.

''(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after October 1, 2006.''.

Subtitle C—Collection and Dissemination of Election Data

SEC. 321. DATA COLLECTION.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 323. PUBLIC REPORTS ON FEDERAL ELECTIONS.

''(a) IN GENERAL.—Not later than 6 months after a Federal election, each State and jurisdiction shall publicly report information on such election, including the following information with respect to the election:

''(1) The total number of individuals of voting age in the population.

''(2) The total number of individuals registered to vote.

''(3) The total number of registered voters who voted.

''(4) The number of absentee and overseas ballots requested, including the numbers of such ballots requested by military personnel and citizens living overseas.

''(5) The number of absentee and overseas ballots cast, including the numbers of such ballots cast by military personnel and citizens living overseas.

''(6) The total number of absentee and overseas ballots counted, including the number of such ballots which were cast by military personnel and citizens living overseas that were counted.

''(7) The total number of absentee and overseas ballots rejected, including the numbers of such ballots which were cast by military personnel and citizens living overseas that were rejected, and the reasons for any such rejections.

''(8) The number of votes cast in early voting at the polls before the day of the election.

''(9) The number of provisional ballots cast.

''(10) The number of provisional ballots counted.

''(11) The number of provisional ballots rejected and the reasons any provisional ballots were rejected.

''(12) The number of voting sites (within the meaning of section 321(b)) in the State or jurisdiction.

''(13) The number of voting machines in each such voting site on election day and the type of each voting machine.

''(14) The total number of voting machines available in the State or jurisdiction for distribution to each such voting site.

''(15) The total number of voting machines actually distributed to such voting sites (including voting machines distributed as replacement voting machines on the day of the election).

''(16) The total number of voting machines of any type, whether electronic or manual, that malfunctioned on the day of the election and the reason for any malfunction.

''(17) The total number of voting machines that were replaced on the day of the election.

''(b) REPORT BY EAC.—The Commission shall collect the information published under subsection (a) and shall report to Congress not later than 9 months after any Federal election the following:

''(1) The funding and expenditures of each State under the provisions of this Act.

''(2) The voter turnout in the election.

''(3) The number of registered voters and the number of individuals eligible to register who are not registered.

''(4) The number of voters who have registered to vote in a Federal election since the most recent such election.

''(5) The extent to which voter registration information has been shared among government agencies (including any progress on implementing statewide voter registration databases under section 303(a)).

''(6) The extent to which accurate voter information has been maintained over time.

''(7) The number and types of new voting systems purchased by States and jurisdictions.

''(8) The amount of time individuals waited to vote.

''(9) The number of early votes, provisional votes, absentee ballots, and overseas ballots distributed, cast, and counted.

''(10) The amount of training that poll workers received.

''(11) The number of poll workers.

''(12) The number of polling locations and precincts.

''(13) The ratio of the number of voting machines to the number of registered voters.

''(14) any other information pertaining to electoral participation as the Commission deems appropriate.

''(c) Each State and jurisdiction shall be required to comply with the requirements of this section on and after November 1, 2006.''.

Subtitle D—Ensuring Well Run Elections

SEC. 331. TRAINING OF ELECTION OFFICIALS.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 324. TRAINING OF ELECTION OFFICIALS.

''(a) IN GENERAL.—Each State and jurisdiction shall require that each person who works in a polling place during an election for Federal office receives adequate training not earlier than 3 months before the election.

''(b) TRAINING.—The training required under subsection (a) shall, at a minimum, include—

''(1) hands-on training on all voting systems used in the election;

''(2) training on accommodating individuals with disabilities, individuals who are of limited English proficiency, and individuals who are illiterate;

''(3) training on requirements for the identification of voters;

''(4) training on the appropriate use of provisional ballots and the process for casting such ballots;

''(5) training on registering voters on the day of the election;

''(6) training on which individuals have the authority to challenge voter eligibility and the process for any such challenges; and

''(7) training on security procedures.

''(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after August 1, 2006.''.

SEC. 332. IMPARTIAL ADMINISTRATION OF ELECTIONS.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 325. ELECTION ADMINISTRATION REQUIREMENTS.

''(a) PUBLICATION OF STATE ELECTION LAWS.—

''(1) IN GENERAL.—Each State shall be required to publish all State laws, regulations, procedures, and practices relating to Federal elections on January 1 of each year in which there is a regularly scheduled election for a Federal office.

''(2) MAINTENANCE OF LAWS ON THE INTERNET.—Each State shall be required to maintain an updated version of all material published under paragraph (1) on an easily accessible public web site on the Internet.

''(b) NOTICE OF CHANGES IN STATE ELECTION LAWS.—Not later than 15 days prior to any Federal election, each State shall issue a public notice describing all changes in State law affecting voting in Federal elections and the administration of Federal elections since the most recent prior such election. If any State or local government makes any change affecting the administration of Federal elections within 15 days of a Federal election, the State or local government shall provide adequate public notice.

''(c) OBSERVERS.—

''(1) STANDARDS.—Each State shall issue nondiscriminatory standards for granting access to nonpartisan election observers. Such standards shall take into account the need to avoid disruption and crowding in polling places.

''(2) IN GENERAL.—Each State shall allow uniform and nondiscriminatory access to any polling place for purposes of observing a Federal election to nonpartisan domestic observers (including voting rights and civil rights organizations) and international observers in accordance with the standards published under paragraph (1).

''(3) NOTICE OF DENIAL OF OBSERVATION REQUEST.—Each State shall issue a public notice with respect to any denial of a request by any observer described in paragraph (2) for access to any polling place for purposes of observing a Federal election. Such notice shall be issued not later than 24 hours after such denial.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after October 1, 2006.''.

Subtitle E—Standards for Purging Voters

SEC. 341. STANDARDS FOR PURGING VOTERS.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 326. REMOVAL FROM VOTER REGISTRATION LIST.

''(a) PUBLIC NOTICE.—Not later than 45 days before any Federal election, each State shall provide public notice of—

''(1) all names which have been removed from the voter registration list of such State under section 303 since the later of the most recent election for Federal office or the day of the most recent previous public notice provided under this section; and

''(2) the criteria, processes, and procedures used to determine which names were removed.

''(b) NOTICE TO INDIVIDUAL VOTERS.—

''(1) IN GENERAL.—No individual shall be removed from the voter registration list under section 303 unless such individual is first provided with a notice which meets the requirements of paragraph (2).

''(2) REQUIREMENTS OF NOTICE.—The notice required under paragraph (1) shall be—

''(A) provided to each voter in a uniform and nondiscriminatory manner;

''(B) consistent with the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

''(C) in the form and manner prescribed by the Election Assistance Commission.

''(c) PRIVACY.—No State or jurisdiction may disclose the reason for the removal of any voter from the voter registration list unless ordered to do so by a court of competent jurisdiction.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after September 1, 2006.''.

Subtitle F—Election Day Registration and Early Voting

SEC. 351. ELECTION DAY REGISTRATION.

(a) REQUIREMENT.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 327. ELECTION DAY REGISTRATION.

''(a) IN GENERAL.—

''(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6), each State shall permit any individual on the day of a Federal election—

''(A) to register to vote in such election at the polling place using the form established by the Election Assistance Commission pursuant to section 299A; and

''(B) to cast a vote in such election and have that vote counted in the same manner as a vote cast by an eligible voter who properly registered during the regular registration period.

''(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after October 1, 2006.''.

(b) ELECTION DAY REGISTRATION FORM.—Subtitle E of title II of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

''SEC. 299A. ELECTION DAY REGISTRATION FORM.

''The Commission shall develop an election day registration form for elections for Federal office.''.

SEC. 352. EARLY VOTING.

(a) REQUIREMENTS.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 328. EARLY VOTING.

''(a) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on such day.

''(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) shall—

''(1) allow such voting for no less than 4 hours on each day (other than Sunday); and

''(2) have minimum uniform hours each day for which such voting occurs.

''(c) APPLICATION OF ELECTION DAY REGISTRATION TO EARLY VOTING.—A State shall permit individuals to register to vote at each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) in the same manner as the State is required to permit individuals to register to vote and vote on the day of the election under section 327.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after October 1, 2006.''.

(b) STANDARDS FOR EARLY VOTING.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299B. STANDARDS FOR EARLY VOTING.

''(a) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs and the public listing of the date, time, and location of polling places no earlier than 10 days before the date on which such voting begins.

''(b) DEVIATION.—The standards described in subsection (a) shall permit States, upon giving reasonable public notice, to deviate from any requirement in the case of unforeseen circumstances such as a natural disaster or a terrorist attack.''.

TITLE IV—VOTER REGISTRATION AND IDENTIFICATION

SEC. 401. VOTER REGISTRATION.

(a) IN GENERAL.—Paragraph (4) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION.—On and after the date of the enactment of this Act—

''(i) in lieu of the questions and statements required under subparagraph (A), such mail voter registration form shall include an affidavit to be signed by the registrant attesting both to citizenship and age; and

''(ii) subparagraph (B) shall not apply.''.

(b) PROCESSING OF REGISTRATION APPLICATIONS.—

(1) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 329. PROCESSING OF REGISTRATION APPLICATIONS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, each State and jurisdiction shall accept and process a voter registration application for an election for Federal office unless there is a material omission or information that specifically affects the eligibility of the voter.

''(b) PRESUMPTION TO REGISTER.—There shall be a presumption that persons who submit voter registration applications should be registered.

''(c) PRESUMPTION TO CURE MATERIAL OMISSION.—Each State and jurisdiction shall—

''(1) provide a process to permit voters an opportunity to cure any material omission within a reasonable period of time; and

''(2) accept any application which is so cured as having been filed on the date on which such application is originally received.

''(d) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this subsection on and after October 1, 2006.''.

(2) MATERIAL OMISSION.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299C. STANDARDS FOR MATERIAL OMISSION FROM REGISTRATION FORMS.

''(a) IN GENERAL.—The Election Assistance Commission shall establish guidelines as to what does and does not constitute a 'material omission or information that specifically affects the eligibility of the voter' for purposes of section 329.

''(b) CERTAIN INFORMATION NOT A MATERIAL OMISSION.—In establishing the guidelines under subsection (a), the Commission shall provide that the following shall not constitute a 'material omission or information that specifically affects the eligibility of the voter':

''(1) The failure to provide a social security number or driver's license number.

''(2) The failure to provide information concerning citizenship or age in a manner other than the attestation required under section 9(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973-gg-7).''.

(c) INTERNET REGISTRATION.—

(1) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381), as added and amended by this Act, is amended by redesignating section 249 as section 250 and by inserting after section 248 the following new section:

''SEC. 249. STUDY ON INTERNET REGISTRATION AND OTHER USES OF THE INTERNET IN FEDERAL ELECTIONS.

''(a) STUDY.—The Commission shall conduct a study on—

''(1) the feasibility of voter registration through the Internet for Federal elections; and

''(2) other uses of the Internet in Federal elections, including—

''(A) the use of the Internet to publicize information related to Federal elections; and

''(B) the use of the Internet to vote in Federal elections.

''(b) REPORT.—Not later than 6 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission shall transmit to Congress a report on the results of the study conducted under subsection (a).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 402. ESTABLISHING VOTER IDENTIFICATION.

(a) IN GENERAL.—

(1) IN PERSON VOTING.—Clause (i) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended by striking ''or'' at the end of subclause (I) and by adding at the end the following new subclause:

''(III) executes a written affidavit attesting to such individual's identity; or''.

(2) VOTING BY MAIL.—Clause (ii) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by striking ''or'' at the end of subclause (I), by striking the period at the end of subclause (II) and inserting ''; or'', and by adding at the end the following new subclause:

''(III) a written affidavit, executed by such individual, attesting to such individual's identity.''.

(3) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the amendments made by this subsection on and after November 1, 2006.

(b) STANDARDS FOR VERIFYING VOTER INFORMATION.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299D. VOTER IDENTIFICATION.

''The Commission shall develop standards for verifying the identification information required under section 303(a)(5) in connection with the registration of an individual to vote in a Federal election.''.

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.), as amended by this Act, is amended by adding at the end the following:

''PART 8—PHOTO IDENTIFICATION

''SEC. 298A. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

''(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications.

''(b) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card and who cannot obtain an identification card without undue hardship.

''(c) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

''(A) the total amount appropriated for payments under this part for the year under section 298B; and

''(B) an amount equal to—

''(i) the voting age population of the State (as reported in the most recent decennial census); divided by

''(ii) the total voting age of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

''SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated $10,000,000 for fiscal year 2006 and such sums as are necessary for each subsequent fiscal year for the purpose of making payments under section 298A.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.''.

SEC. 403. REQUIREMENT FOR FEDERAL CERTIFICATION OF TECHNOLOGICAL SECURITY OF VOTER REGISTRATION LISTS.

(a) IN GENERAL.—Section 303(a)(3) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(3)) is amended by striking ''measures to prevent the'' and inserting ''measures, as certified by the Election Assistance Commission, to prevent''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

TITLE V—PROHIBITION ON CERTAIN CAMPAIGN ACTIVITIES

SEC. 501. PROHIBITION ON CERTAIN CAMPAIGN ACTIVITIES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 319 the following new section:

''CAMPAIGN ACTIVITIES BY ELECTION OFFICIALS AND VOTING SYSTEM MANUFACTURERS

''SEC. 319A. (a) PROHIBITION.—

''(1) CHIEF STATE ELECTION OFFICIALS.—It shall be unlawful for any chief State election official to take part in prohibited political activities with respect to any election for Federal office over which such official has managerial authority.

''(2) VOTING SYSTEM MANUFACTURERS.—It shall be unlawful for any person who owns or serves as the chief executive officer, chief financial officer, chief operating officer, or president of any entity that designs or manufacturers a voting system to take part in prohibited political activities with respect to any election for a Federal office for which a voting system produced by such manufacturer is used.

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

''(1) CHIEF STATE ELECTION OFFICIAL.—The term 'chief State election official' means the individual designated as such under section 10 of the National Voter Registration Act of 1993.''

''(2) PROHIBITED POLITICAL ACTIVITIES.—The term 'prohibited political activities' means campaigning to support or oppose a candidate or slate of candidates for Federal office, making public speeches in support of such a candidate, fundraising and collecting contributions on behalf of such a candidate, distributing campaign materials with respect to such a candidate, organizing campaign events with respect to such a candidate, and serving in any position on any political campaign committee of such a candidate.

''(b) OWNERSHIP.—For purposes of subsection (a)(2), a person shall be considered to own an entity if such person controls at least 20 percent, by vote or value, of the entity.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE VI—ENDING DECEPTIVE PRACTICES

SEC. 601. ENDING DECEPTIVE PRACTICES.

(a) IN GENERAL.—

(1) Subsection (b) of section 2004 of the Revised Statutes (42 U.S.C. 1971(b)) is amended—

(A) by striking ''No person'' and inserting the following:

''(1) IN GENERAL.—No person''; and

(B) by inserting at the end the following new paragraph:

''(2) DECEPTIVE ACTS.—No person, whether acting under color of law or otherwise, shall knowingly deceive any other person regarding the time, place, or manner of conducting a general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions; nor shall any person knowingly deceive any person regarding the qualifications or restrictions of voter eligibility for any general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions.''.

(2) The heading of section 2004(b) of the Revised Statutes is amended by striking ''OR COERCION'' and inserting ''COERCION, OR DECEPTIVE ACTS''.

(b) CRIMINAL PENALTY.—Section 594 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting the following:

''(a) INTIMIDATION.—Whoever''; and

(2) by inserting at the end the following:

''(b) DECEPTIVE ACTS.—Whoever knowingly deceives any person regarding—

''(1) the time, place, or manner of conducting a general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions; or

''(2) the qualifications or restrictions of voter eligibility for any general, primary, run-off or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions

shall be fined under this title, imprisoned not more than one year, or both.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE VII—CIVIC PARTICIPATION BY EX-OFFENDERS

SEC. 701. VOTING RIGHTS OF INDIVIDUALS CONVICTED OF CRIMINAL OFFENSES.

(a) SHORT TITLE.—This title may be cited as the Civic Participation Act of 2005.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) The right to vote is the most basic constitutive act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. Basic constitutional principles of fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections.

(B) Congress has ultimate supervisory power over Federal elections, an authority that has repeatedly been upheld by the Supreme Court.

(C) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections.

(D) An estimated 4,700,000 individuals in the United States, or 1 in 44 adults, currently cannot vote as a result of a felony conviction. Women represent about 676,000 of those 4,700,000.

(E) State disenfranchisement laws disproportionately impact ethnic minorities.

(F) Fourteen States disenfranchise some or all ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense.

(G) In those States that disenfranchise ex-offenders who have fully served their sentences, the right to vote can be regained in theory, but in practice this possibility is often illusory.

(H) In those States that disenfranchise ex-offenders, an ex-offender's right to vote can only be restored through a gubernatorial pardon or order, or a certificate granted by a parole board. Some States require waiting periods as long as 10 years after completion of the sentence before an ex-offender can initiate the application for restoration of the right to vote.

(I) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. Many States do not offer a restoration procedure for Federal offenders who have completed supervision. The only method available to such persons is a Presidential pardon.

(J) Few persons who seek to have their right to vote restored have the financial and political resources needed to succeed.

(K) Thirteen percent of the African-American adult male population, or 1,400,000 African-American men, are disenfranchised. Given current rates of incarceration, 3 in 10 African-American men in the next generation will be disenfranchised at some point during their lifetimes. Hispanic citizens are also disproportionately disenfranchised, since those citizens are disproportionately represented in the criminal justice system.

(L) The discrepancies described in this paragraph should be addressed by Congress, in the name of fundamental fairness and equal protection.

(2) PURPOSE.—The purpose of this title is to restore fairness in the Federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote.

(c) DEFINITIONS.—In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term ''correctional institution or facility'' means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term ''election'' means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term ''Federal office'' means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term ''parole'' means parole (including mandatory parole), or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term ''probation'' means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

(d) RIGHTS OF CITIZENS.—The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; or

(2) is on parole or probation for a felony offense

(e) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this section.

(2) PRIVATE RIGHT OF ACTION.—

(A) NOTICE.—A person who is aggrieved by a violation of this section may provide written notice of the violation to the chief election official of the State involved.

(B) ACTION.—Except as provided in subparagraph (C), if the violation is not corrected within 90 days after receipt of a notice provided under subparagraph (A), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in such a court to obtain declaratory or injunctive relief with respect to the violation.

(C) ACTION FOR VIOLATION SHORTLY BEFORE A FEDERAL ELECTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person shall not be required to provide notice to the chief election official of the State under subparagraph (A) before bringing a civil action in such a court to obtain declaratory or injunctive relief with respect to the violation.

(f) RELATION TO OTHER LAWS.—

(1) NO PROHIBITION ON LESS RESTRICTIVE LAWS.—Nothing in this section shall be construed to prohibit a State from enacting any State law that affords the right to vote in any election for Federal office on terms less restrictive than those terms established by this section.

(2) NO LIMITATION ON OTHER LAWS.—The rights and remedies established by this section shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(g) NOTIFICATION OF RESTORATION OF VOTING RIGHTS.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 330. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.

''(a) NOTIFICATION.—

''(1) IN GENERAL.—On the date determined under subsection (b), each State shall notify any qualified ex-offender who resides in the State that such qualified ex-offender has the right to vote in an election for Federal office pursuant to the Civic Participation Act of 2005 and may register to vote in any such election.

''(2) QUALIFIED EX-OFFENDER.—For the purpose of this section, the term 'qualified ex-offender' means any individual who resides in the State who has been convicted of a criminal offense and is not serving a felony sentence in a correctional institution or facility and who is not on parole or probation for a felony offense.

''(b) DATE OF NOTIFICATION.—The notification required under subsection (a) shall be given on the later of the date on which such individual is released from a correctional institution or facility for serving a felony sentence or the date on which such individual is released from parole for a felony offense.

''(c) DEFINITIONS.—Any term which is used in this section that is also used in the Civic Participation Act of 2005 shall have the meaning given to such term in that Act.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after the date of the enactment of the Civic Participation Act of 2005.''.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply to citizens of the United States voting in any election for Federal office after the date of the enactment of this Act.

(2) AMENDMENTS.—The amendment made by subsection (g) shall take effect on the date of the enactment of this Act.

TITLE VIII—FEDERAL ELECTION DAY ACT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Federal Election Day Act of 2005''.

SEC. 802. FEDERAL ELECTION DAY AS A PUBLIC HOLIDAY.

(a) ELECTION DAY AS A FEDERAL HOLIDAY.—Section 6103(a) of title 5, United States Code, is amended by inserting after the matter relating to Columbus Day, the following undesignated paragraph:

''Federal Election Day, the Tuesday next after the first Monday in November in each even numbered year.''.

(b) CONFORMING AMENDMENT.—Section 241(b) of the Help America Vote Act of 2002 (42 U.S.C. 15381(b)) is amended by striking paragraph (10) and by redesignating paragraphs (11) through (19) as paragraphs (10) through (18), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 803. STUDY ON ENCOURAGING GOVERNMENT EMPLOYEES TO SERVE AS POLL WORKERS.

(a) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381), as added and amended by this Act, is amended by redesignating section 250 as section 250A and by inserting after section 249 the following new section:

''SEC. 250. STUDY ON ENCOURAGING GOVERNMENT EMPLOYEES TO SERVE AS POLL WORKERS.

''(a) STUDY.—The Commission shall conduct a study on appropriate methods to encourage State and local government employees to serve as poll workers in Federal elections.

''(b) REPORT.—Not later than 6 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission shall transmit to Congress a report on the results of the study conducted under subsection (a).

''(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 210 for fiscal year 2006, $100,000 shall be authorized solely to carry out the purposes of this section.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE IX—TRANSMISSION OF CERTIFICATE OF ASCERTAINMENT OF ELECTORS

SEC. 901. TRANSMISSION OF CERTIFICATE OF ASCERTAINMENT OF ELECTORS.

(a) IN GENERAL.—Section 6 of title 3, United States Code, is amended—

(1) by inserting ''and before the date that is 6 days before the date on which the electors are to meet under section 7,'' after ''under and in pursuance of the laws of such State providing for such ascertainment,''; and

(2) by striking ''by registered mail'' and inserting ''by overnight courier''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE X—STRENGTHENING THE ELECTION ASSISTANCE COMMISSION

SEC. 1001. STRENGTHENING THE ELECTION ASSISTANCE COMMISSION.

(a) RULEMAKING AUTHORITY.—Part 1 of subtitle A of Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by striking section 209.

(b) BUDGET REQUESTS.—Part 1 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.), as amended by subsection (a), is amended by inserting after section 208 the following new section:

"SEC. 209. SUBMISSION OF BUDGET REQUESTS.

''Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.''.

(c) EXEMPTION FROM PAPERWORK REDUCTION ACT.—Paragraph (1) of section 3502 of title 44, United States Code, is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) the Election Assistance Commission;''.

(d) NIST AUTHORITY.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299E. TECHNICAL SUPPORT.

''At the request of the Commission, the Director of the National Institute of Standards and Technology shall provide the Commission with technical support necessary for the Commission to carry out its duties under this title.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 210 of the Help America Vote Act of 2002 (42 U.S.C. 15330) is amended by striking ''for each of fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed $10,000,000 for each such year)'' and inserting ''$35,000,000 for fiscal year 2006 (of which $4,000,000 are authorized solely to carry out the purposes of section 299E) and such sums as may be necessary for the succeeding fiscal year''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1002. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.

(a) IN GENERAL.—Section 205 of the Help America Vote Act of 2002 (42 U.S.C. 15325) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into by the Election Assistance Commission on or after the date of enactment of this Act.

SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 257 of the Help America Vote Act of 2002 (42 U.S.C. 15408(a)) is amended by adding at the end the following new paragraphs:

''(4) For fiscal year 2006, $3,000,000,000.

''(5) For each fiscal year after 2006, such sums as are necessary.''.

Mrs. BOXER. Mr. President, today I join Senator CLINTON in introducing the Count Every Vote Act of 2005.

The 2000 election exposed a number of serious problems with the accuracy and fairness of election procedures in this country, as well as the reliability of certain types of voting technology. As a result of those irregularities, many eligible voters were effectively disenfrachised and thus deprived of one of our most fundamental rights.

In the 2004 election, we again saw serious irregularities when voters across this country went to the polls to cast their votes. From untrustworthy electronic voting machines, to partisan secretaries of state, to outrageously long lines at the polls, the election system was far from what voters are entitled to have.

At Kenyon College in Ohio, for example, voters were made to wait in line until nearly 4 a.m. to vote because there were only two machines for 1,300 voters. In the Columbus area alone, an estimated 5,000 to 10,000 voters left polling places, out of frustration, without having voted. In Cleveland, thousands of provisional ballots were disqualified after poll workers gave faulty instructions to voters.

Because of these irregularities—as well as voting irregularities in many other places—I joined Congresswoman STEPHANIE TUBBS JONES of Ohio in objecting to the certification of the Ohio electoral votes on January 7, 2005. I did this to cast the light of truth on a flawed system that must be fixed now. Americans deserve a system where every vote is counted and can be verified. And, Congress must do more to give confidence to all of our people that their votes matter.

In 2002, Congress passed the Help America Vote Act (HAVA), which took important steps toward electoral reform. Since the enactment of HAVA, however, concerns have been raised about the security of voting machines and the inability of the majority of voters who may use these machines to be able to adequately verify their vote and to ensure that the vote they intended was both cast and counted. In addition, many other problems in our Federal election system—including long wait times in which to vote, the erroneous purging of voters, voter suppression and intimidation, and unequal access to the voting process—remain.

Last year, I sponsored legislation to address some of these issues. I also joined Senator CLINTON and former Senator Bob Graham in introducing an election reform bill. I am pleased to again join Senator CLINTON today to introduce the Count Every Vote Act of 2005—the CEVA Voting Act. It requires voting machines to have a voter-verified paper trail for use by all individuals, including language minority voters, illiterate voters, and voters with disabilities; and it mandates national standards in the registration of voters and the counting of provisional ballots. All provisions of this legislation are to be in effect no later than the November 2006 Federal election.

Mr. President, in a democracy, the vote of every citizen counts. We must make sure that every citizen's vote is counted—and counted accurately and fairly so that the American people have confidence in the results. HAVA was a good first step. The CEVA Voting Act is the next step, and I encourage my colleagues to join me in this effort.

By Mr. AKAKA:

S. 451. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to reintroduce the Pet Safety and Protection Act of 2005. My legislation amends the Animal Welfare Act to ensure that all companion animals such as dogs and cats used by research facilities are obtained legally.

Over 30 years ago, Congress passed the Animal Welfare Act, AWA, authorizing the Secretary of Agriculture to set and enforce standards protecting animals used in biomedical research, bred for commercial sale, exhibited to the public, or commercially transported from inhumane treatment. Despite the well-meaning intentions of the AWA and the enforcement efforts of the U.S. Department of Agriculture, USDA, the act fails to provide reliable protection against the actions of some unethical animal dealers.

Under the AWA, class B animal dealers are defined as individuals whose business includes the purchase, sale, or transport of animals in commerce, including dogs and cats intended for use at research facilities. To the dismay of animal welfare advocates and pet owners, some class B, or ''random source,'' dealers have resorted to theft and deception to collect animals for resale. In many instances these animals were found living under inhumane conditions.

As recently as August of 2003, USDA agents executed a warrant to investigate a class B dealer from Arkansas suspected of violations of the AWA for the second time in several years. Many claims have been levied against this dealer, and approximately 125 dogs were seized by federal agents during this week-long search. The complaint investigated by the USDA against the dealer alleged that the respondents' veterinarian provided for them falsified official health certificates for cats and dogs, and also provided them with blank, undated, and signed health certificates. It also alleged that the dealer failed to provide the barest standards of care, husbandry, and housing for the animals on the premises. In addition, it alleged that its proprietors were aware that some of the companion animals brought to the facility were stolen, and that the business maintained a list of over 50 ''bunchers,'' individuals who obtain animals and sell them to ''random

source'' animal dealers. Bunchers have a variety of methods of obtaining companion animals, including responding to newspaper ads offering free animals, trespassing on private property to abduct the animals from yards, and house burglaries.

I am pleased to report that the civil trial against this class B dealer was settled on January 28, 2005. Under the agreement, the dealer and others associated with the business had their licenses permanently revoked. In addition, fines up to $262,700 were imposed by the USDA, which included a personal civil penalty of $12,700. The dealer also is prohibited from engaging in any activities under which the licenses were revoked for 5 years.

While this case resulted in a landmark settlement, I would like to remind my colleagues that if it were not for an outside organization that filed a complaint with the USDA, this class B dealer could still be in operation today. We, in Congress, need to ensure that dealers such as the one in Arkansas are unable to acquire, house, and sell pets.

The Pet Safety and Protection Act of 2005 strengthens the AWA by prohibiting the use of class B dealers as suppliers of dogs and cats to research laboratories. Contrary to what others might say, my legislation will not be a burden on research facilities because only 2 percent of the approximately 2,051 class B dealers in the United States currently sell cats and dogs to research facilities.

I am not here to argue whether animals should or should not be used in research. Medical research is an invaluable weapon in the battle against disease. New drugs and surgical techniques offer promise in the fight against cancer, Alzheimer's, tuberculosis, AIDS, and a host of other life-threatening diseases. Animal research has been, and continues to be, fundamental to advancements in medicine. However, I am concerned with the sale of stolen pets and stray animals to research facilities and the poor treatment of these animals by some class B dealers.

My legislation preserves the integrity of animal research by encouraging research laboratories to obtain animals from legitimate sources that comply with the AWA. Legitimate sources for animals include USDA-licensed class A dealers, breeders, and research facilities, municipal pounds and shelters, and legitimate pet owners who want to donate their animals to research. These sources are capable of meeting the demand for research animals. The National Institutes of Health, in an effort to curb abuse and deception, have already adopted policies against the acquisition of dogs and cats from class B dealers.

The Pet Safety and Protection Act of 2005 also reduces the USDA's regulatory burden by allowing the Department to use its resources more efficiently and effectively. Each year, thousands of dollars are spent on regulating dealers. To discourage any future violations of the AWA, my bill increases the penalties to a minimum of $1,000 per violation.

I reiterate that this bill in no way impairs or impedes research but will end the fraudulent practices of some class B dealers, as well as the unnecessary suffering of these animals in their care. I urge my colleagues to support this important legislation.

By Mr. CORZINE:

S. 452. A bill to provide for the establishment of national and global tsunami warning systems and to provide assistance for the relief and rehabilitation of victims of the Indian Ocean tsunami and for the reconstruction of tsunami-affected countries; to the Committee on Commerce, Science, and Transportation.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Tsunami Early Warning and Relief Act, to significantly decrease losses in the event of a future tsunami anywhere in the world. This bill would direct the National Oceanic and Atmospheric Administration, NOAA, to establish and administer a Global Tsunami Disaster Reduction Program, based on the successful program which NOAA operates in the Pacific Ocean.

I traveled to South and Southeast Asia in the wake of last year's Indian Ocean tsunami that led to the death of more than 160,000 people and a widespread humanitarian crisis. What I witnessed in Indonesia, Thailand and Sri Lanka was the most incredible destruction I have ever seen. I can only imagine that the devastation from the tsunami rivals Hiroshima and Nagasaki in the level of sheer destruction, damage, displacement and loss of life.

Around the world, and right here in the United States, highly populated coastal areas are vulnerable to potential devastation on the scale of the Indian Ocean tsunami. As we continue to assist our South Asian friends in their reconstruction effort, we must also do everything in our ability to reduce human, ecological and economic damage in the event of another tsunami. We cannot allow such a natural disaster to separate families, orphan children and destroy livelihoods once again.

There is no magic solution. Coastal areas, by nature, will face significant damage if a tsunami strikes. However, an advance warning would go a long way to reduce the loss of life in particular. Had governments in South Asia been able to inform their citizens of the approaching tsunami, tourists would not have been tanning on the beach and coastal markets would not have been obliviously going about their everyday business. While they would not have been perfect, rudimentary coastal evacuations could have taken place—and as a result we would not see the awful human cost that I witnessed this January.

We currently operate an effective warning system in the Pacific Ocean, which warns our citizens and coastal governments about potential tsunami threats faced in Hawaii, Alaska and West Coast states. This system utilizes a sophisticated network of buoys in the Pacific Ocean that monitor rising and falling water levels. Using this data, and seismic observation of the ocean floor, NOAA is able to adequately assess the threat posed to coastal residents by natural activity in the Pacific and inform emergency service agencies in regions that face imminent threats.

The Tsunami Early Warning and Relief Act would expand NOAA's successful Pacific tsunami monitoring and communications program to the Atlantic Ocean, Caribbean Sea, Indian Ocean, and other areas around the world that are vulnerable to tsunamis. Furthermore, this legislation expands NOAA's Tsunami Ready Program, which disseminates tsunami communications to coastal communities and coordinates evacuation strategies for these regions.

In conclusion, expansion of tsunami warning and readiness programs are critical to the lives and livelihoods of coastal residents in the United States and around the world. For all of us, the devastating aftermath of the Indian Ocean tsunami is a call to action that we must improve our reflexes when it comes to tsunamis. I urge my colleagues to consider this legislation, and other tsunami warning systems proposed by my colleagues, and to move forward as quickly as possible so that we never again have to see the devastation, death, broken families and orphaned children that we see right now in South Asia.

I ask unanimous consent that the text of the Tsunami Early Warning and Relief Act be a printed in the RECORD.

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

S. 452

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 ''Tsunami Early Warning and Relief Act of 2005''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) A tremendous undersea earthquake near Sumatra, Indonesia, created a tsunami whose devastation spread throughout South Asia, Southeast Asia, and East Africa, leading to the death of more than 160,000 people on December 26, 2004. As of February 4, 2005, more than 140,000 people are still missing. The tsunami-affected countries include Indonesia, Sri Lanka, India, Thailand, Maldives, Seychelles, Bangladesh, Burma, Malaysia, Somalia, Kenya, and Tanzania.

(2) The tsunami resulted in massive destruction affecting millions of people who now require a great amount of short-term survival assistance and long-term rehabilitation and reconstruction assistance.

(3) Compared to past disasters, the Indian Ocean earthquake and tsunami led to historic destruction of the social service infrastructure, businesses, and livelihoods. The devastation caused by the tsunami has resulted in many separated families and countless unaccompanied and orphaned children.

(4) An effective global tsunami warning system is critical for preventing future humanitarian disasters and for protecting national security, since tsunamis occurring anywhere around the globe could impact the United States at home and United States national interests abroad.

(5) The National Oceanic and Atmospheric Administration has already built a system of tsunami buoys in the Pacific Ocean which has been proven to provide critical information and enhance the Nation's response to tsunamis. The National Oceanic and Atmospheric Administration has the technical capability to upgrade and expand this system so that it covers the entire globe and is integrated into larger ocean observing efforts.

(6) Consistent funding and international cooperation would be needed to deploy a broader global tsunami warning system.

(7) Effective local emergency management capabilities are needed to relay tsunami warning information to coastal communities and their residents.

TITLE I—TSUNAMI WARNING SYSTEMS

SEC. 101. GLOBAL PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Commerce shall establish a Global Tsunami Disaster Reduction Program within the National Oceanic and Atmospheric Administration for the establishment of a tsunami warning system to protect vulnerable areas around the world, including Atlantic Ocean, Carribean Sea, Gulf of Mexico, Indian Ocean, Mediterranean Sea, and European areas.

(b) INTERNATIONAL COOPERATION.—The Secretary of State, in consultation with the Director of the National Oceanic and Atmospheric Administration, shall work with foreign countries that would benefit from the warning system described in subsection (a), and through international organizations, for the purposes of—

(1) sharing costs;

(2) sharing relevant data;

(3) sharing technical advice for the implementation of dissemination and evacuation plans; and

(4) ensuring that the Global Earth Observation System of Systems program has access to and shares openly all relevant information worldwide.

SEC. 102. EXPANSION OF UNITED STATES TSUNAMI READY PROGRAM.

The Director of the National Oceanic and Atmospheric Administration shall work with coastal communities throughout the United States to build upon local coastal and ocean observing capabilities, improve abilities to disseminate tsunami information and prepare evacuation plans according to the requirements of the Tsunami Ready program of the National Oceanic and Atmospheric Administration, and encourage more communities to participate in the program.

SEC. 103. SEISMIC ACTIVITY MONITORING.

The Director of the National Oceanic and Atmospheric Administration shall coordinate with the United States Geological Survey and the Department of State to work with other countries to enhance the monitoring, through the Global Seismic Network (GSN), of seismic activities that could lead to tsunamis, to support the programs described in sections 101 and 102.

SEC. 104. ANNUAL REPORT.

The Director of the National Oceanic and Atmospheric Administration shall transmit an annual report to Congress on progress in carrying out this title.

SEC. 105. DEFINITION.

For purposes of this title, the term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for carrying out this title—

(1) $38,000,000 for fiscal year 2006; and

(2) $32,000,000 for fiscal year 2007 and for each subsequent fiscal year.

TITLE II—RELIEF, REHABILITATION, AND RECONSTRUCTION ASSISTANCE RELATING TO INDIAN OCEAN TSUNAMI

SEC. 201. ASSISTANCE.

(a) AUTHORIZATION.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to provide assistance for—

(1) the relief and rehabilitation of individuals who are victims of the Indian Ocean tsunami; and

(2) the reconstruction of the infrastructures of countries affected by the Indian Ocean tsunami, including Indonesia, Sri Lanka, India, Thailand, Maldives, Seychelles, Bangladesh, Burma, Malaysia, Somalia, Kenya, and Tanzania.

(b) TERMS AND CONDITIONS.—Assistance under this section may be provided on such terms and conditions as the President may determine.

SEC. 202. REPORT.

The President shall transmit to Congress, on a quarterly basis in 2005, on a biannual basis in 2006, and as determined to be appropriate by the President thereafter, a report on progress in carrying out this title.

SEC. 203. DEFINITION.

In this title, the term ''Indian Ocean tsunami'' means the tsunami that resulted from the earthquake that occurred off the west coast of northern Sumatra, Indonesia, on December 26, 2004.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the President to carry out this title such sums as may be necessary for fiscal year 2006 and each subsequent fiscal year.

By Mr. SMITH (for himself, Mr. KOHL, Mr. LUGAR, Mrs. CLINTON, Mr. BROWNBACK, Mr. LAUTENBERG, and Mr. FEINGOLD):

S. 453. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2008 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased to be joined today by my colleagues, Senators KOHL, LUGAR, LIEBERMAN, BROWNBACK, CLINTON, LAUTENBERG, and FEINGOLD, to introduce this important piece of legislation. Legislation that will ensure the United States government does not turn its back on political asylees or refugees who are the most vulnerable citizens seeking safety in this great country of ours.

As many of you may know, Congress as part of Personal Responsibility and Work Opportunity Reconciliation Act, PRWORA, modified the SSI program to include a seven-year time limit on the receipt of benefits for refugees and asylees. This policy was intended to balance the desire to have people who emigrant to the United States to become citizens, with an understanding that the naturalization process also takes time to complete. To allow adequate time for asylees and refugees to become naturalized citizens Congress provided the 7-year time limit before the expiration of SSI benefits.

Unfortunately, the naturalization process often takes longer than 7 years because applicants are requited to live in the United States for a minimum of 5 years prior to applying for citizenship and the INS often takes 3 or more years to process the application. Because of this time delay, many individuals are trapped in the system faced with the loss of their SSI benefits.

If Congress does not act to change the law, reports show that over the next 4 years nearly 30,000 elderly and disabled refugees and asylees will lose their Supplemental Security Income, SSI, benefits because their 7-year time limit will expire before they become citizens. Many of these individuals are elderly who fled persecution or torture in their home countries. They include Jews fleeing religious persecution in the former Soviet Union, Iraqi Kurds fleeing the Saddam Hussein regime, Cubans and Hmong people from the highlands of Laos who served on the side of the United States military during the Vietnam War. They are elderly and unable to work, and have become reliant on their SSI benefits as their primary income. To penalize them because of delays encountered through the bureaucratic process seems unjust and inappropriate.

The administration in its fiscal year 2006 budget acknowledged the necessity to correct this problem by dedicating funding to extend refugee eligibility for SSI beyond the 7-year limit. While I am pleased that they have taken the first step in correcting this problem, I am concerned the policy does not go far enough. Data shows that most people will need at least an additional 2 years to navigate and complete the naturalization process. Therefore, my colleagues and I have introduced this bill, which will provide a 2-year extension. We believe this will provide the time necessary to complete the process.

I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman GRASSLEY and other members of the Finance Committee to secure these changes during consideration of TANF reauthorization.

Mr. KOHL. I rise today to join Senator SMITH and a bipartisan group of Senators in introducing the SSI Extension for Elderly and Disabled Refugees Act. This bill builds both on a proposal in the President's budget, and on legislation we introduced last year, to serve the neediest individuals in our society.

Wisconsin is the home for hundreds of thousands of Hmong family members who were resettled there in the years after the Vietnam War, some as recently as the 1990s. Many of these Hmong fought with the CIA in Laos during the Vietnam War, providing critical assistance to U.S. forces. After the fall of Saigon, thousands of Hmong fled Laos and its communist Pathet Lao government. The United States remains indebted to these courageous individuals and their families.

In addition to the Hmong, America has served as a shelter for Jews and Baptists fleeing religious persecution in the former Soviet Union; and for Iraqis and Cubans escaping tyrannical dictatorships. Our policy toward refugees and asylees embodies the best of our country—compassion, opportunity, and freedom. I am proud of the example our policies set with respect to the treatment of those seeking refuge.

But I am disappointed in our decision to allow these people to enter the country and then deny them the means to live. Thousands of people who fled religious and political persecution to seek freedom in the U.S. are being punished by a short-sighted policy. A provision in the 1996 welfare reform bill restricted the amount of time that elderly and disabled refugees and asylees could be eligible for Supplemental Security Income, SSI, benefits. These benefits serve as a basic monthly income for individuals who are 65 or older, disabled or blind. Over the next 4 years, it is estimated that 40,000 refugees and political asylees could lose these important benefits on which they often rely.

The 7-year time limit on SSI benefits for legal humanitarian immigrants has already impacted individuals and families across the country, and will impact thousands more without Congressional action. The provision specifically mandated that to avoid losing this important support, refugees and asylees must become citizens within the 7 year limit. Unfortunately, this has proved impossible for far too many. The process of becoming a citizen only truly begins after a refugee has resided in the U.S. for 5 years as a lawful permanent resident. And beyond that, there are many other barriers, such as language skills and processing and bureaucratic delays within the various agencies, which an immigrant must overcome before they become naturalized. Beginning in 2003, immigrants trapped in this process—too often the most vulnerable elderly and families—began to lose their SSI benefits with no hope of recourse.

This inherent flaw in the system has to be changed. That is why we are reintroducing the SSI Extension for Disabled and Elderly Refugees Act. This legislation extends the amount of time that refugees and asylees have to become citizens to 9 years. In addition, the bill contains a ''reach back'' provision: it retroactively restores benefits to those individuals who have already lost them for an additional 2 years. This provision helps the individuals who need it most; humanitarian immigrants who are trapped in the system and have lost this important income source.

Across the country, states are recognizing the peril that faces individuals who lose these benefits. Most recently, in January, the State of Illinois passed legislation that allows individuals to obtain monthly grants through a State program, if their Federal SSI benefits are suspended. This action highlights the need for Congress to act. We cannot continue to pass the buck to cash-strapped States. I believe we must act now to protect these individuals.

I cannot stress how important this legislation is to many in the State of Wisconsin. Last year there were several stories across the state regarding the plight of Hmong families and individuals whose citizenship has been delayed and were faced with losing their benefits. That was a year ago, and Congress failed to pass the legislation that Senators SMITH, LUGAR, FEINGOLD and I had worked so hard on. We cannot let another year go by without helping these individuals.

In addition to the Hmong population in Wisconsin, almost every State in the country is home to immigrants who will be affected by the limit. Our country has long been a symbol of freedom, equality and opportunity. Our laws should reflect that. Every day that goes by could result in the loss of a refugee's support system—I urge my colleagues to support this legislation and restore the principles we were put here to protect.

By Mr. COLEMAN (for himself and Mr. BINGAMAN):

S. 455. A bill to amend the Mutual Educational and Cultural Exchange Act of 1961 to facilitate United States openness to international students, scholars, scientists, and exchange visitors, and for other purposes; to the Committee on Foreign Relations.

Mr. COLEMAN. Mr. President, today I am introducing legislation to reverse the decline in the number of international students studying at American colleges, universities, and high schools. I am very pleased to be joined by my friend and colleague, Senator BINGAMAN, who cares deeply about these issues as I do.

Policies implemented to keep our country safe in the wake of September 11 have had the unintended consequence of dramatically reducing the number of international students studying in the United States. Total international applications to U.S. graduate schools fell 28 percent from fall 2003 to fall 2004, and 54 percent of all English as a Second Language (ESL) programs have reported declines in overall applications at a time where countries such as the U.K., Canada, and Australia are experiencing increases.

Why is this a concern for our country?

From a foreign policy perspective, America needs all the Ambassadors of goodwill we can get. In a world that too often hates Americans because they do not know us, international education represents an opportunity to break down barriers. It is in our local and national interest for the best and brightest foreign students to study in America because these are people who will lead their nations one day. The experience they gain with our democratic system and our values gives them a better understanding of what America is and who Americans are.

My caseworkers in Minnesota have dealt with literally hundreds of student visas cases. One case in particular stands out—that of Humphrey Tusimiirwe, a brilliant student from Uganda who was having difficulty getting his student visa for study at St. Thomas. Fortunately, after several calls to the U.S. Ambassador, Humphrey's story ultimately had a happy ending, and he is going to be part of our panel at the University of Minnesota. But too many other students are barred from coming to study in America, and far too many are choosing to not study in the U.S. and instead go elsewhere.

I have heard from Minnesota's colleges and universities. The presence of international students on campuses gives American students an irreplaceable opportunity to learn about other cultures and points of view. That's why this legislation has the endorsement of the University of Minnesota, the MnSCU student association, the Minneapolis Star Tribune and Rochester Post Bulletin, and others. International education is a $13 billion industry, and foreign students who pay full tuition help keep costs down for American students. In Minnesota alone, international students contribute some $175 million to our economy.

Finally, I think this is an economic competitiveness issue too. Attracting the world's top scientific scholars helps to keep our economy competitive. Too

many of the world's best scientists are opting against studying in the U.S. because of the barriers we have imposed. We need the world's best and brightest to continue to do their research here, and to continue to use their talents to improve American innovation and ultimately create American jobs. Many of America's most innovative business leaders and top CEOs came to the U.S. as international students.

At the same time, laws are in place to make sure companies hire American workers first, and my legislation would not change that. That's why I will introduce legislation, the COMPETE Act, that will make sure American students have the math, science, and engineering skills needed to stay competitive.

While the State Department has made some very important strides, such as extending the validity of Visas Mantis security clearances and speeding up their processing time, there are still too many qualified students unable to get visas to study in America, and too many who today are deterred from even applying.

That's why I am pleased once again to join with my friend the Senator from New Mexico in introducing the American Competitiveness Through International Openness Now (ACTION) Act. Our bill calls for a number of steps that would help America regain our place as the top destination for international students, scholars, scientists and exchange visitors.

First, our bill calls for a strategic marketing plan similar to strategies implemented by the U.K., E.U., Canada and Australia to help America regain lost ground in attracting the world's best and brightest. There is a perception around the world that America is no longer a welcoming place, so we need to be deliberate and smart in our efforts to change that view.

The bill calls for more realistic standards for visa evaluations by updating a 50-year old criterion for visa approval and admittance to the United States. Under the so-called 214(b) rule, young people currently need to prove that they have ''essential ties'' to their home countries and no intention of emigrating to the U.S. But in this age of globalization, it is increasingly difficult for a 20-year old to do this. Many have lived and studied in other countries, and some have lost their parents to AIDS. They don't own a house or a business, they don't have spouses or children. Consular officers treat every student as an intending immigrant, and it is exceedingly difficult for a student to prove otherwise.

Our legislation calls for commonsense changes to management of the SEVIS system, which tracks international students and visitors. Under this legislation, the database would be run more effectively, and fees would be collected in a more fair manner.

The bill also sets standards for more timeliness and certainty in the student visa process, upgrading communication between government agencies dealing with student visas and enabling them to identify security risks and clear those who are not a threat more quickly.

I spent time in Minnesota last Friday listening to my constituents' views about this bill and the positive effect it would have on Minnesota colleges and universities. The response was overwhelming. These summits prompted me to add a section to the bill dealing specifically with students who have to return home for family emergencies, and a section to help intensive English programs compete with their counterparts in the U.K. and Australia.

We have often seen that prejudice is bred by isolation. Those who only look at this country through a keyhole can draw all kinds of outrageous conclusions. But exposure and interaction bring people together. Especially in a time when we are burdened with the question, ''Why do they hate us?'' we need to enhance those opportunities for people to see us as we really are. International exchanges present precisely this opportunity.

International education brings too much to our campuses, our communities, our economy and our national security to become another victim of the age of terrorism. If we can take ACTION to reverse the decline now, all Americans will reap the benefits for decades to come.

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. 455

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 ''American Competitiveness Through International Openness Now Act of 2005'' or as the ''ACTION Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States has a strategic interest in encouraging international students, scholars, scientists, and exchange visitors to visit the United States to study, collaborate in research, and to develop personal relationships.

(2) Openness to international students, scholars, scientists, and exchange visitors serves vital and longstanding national foreign policy, educational, and economic interests and the erosion of such openness undermines the national security interests of the United States.

(3) Educating successive generations of future world leaders has long been a foundation of the United States international influence and leadership.

(4) Open scientific exchange enables the United States to benefit from the knowledge of the world's top students and scientists and has been a critical factor in maintaining the United States leadership in science and technology.

(5) International students studying in the United States and their families contribute nearly $13,000,000,000 to the United States economy each year, making higher education a major service sector export.

(6) The total number of applications submitted by foreign applicants to graduate schools in the United States for enrollment during the fall of 2004 declined 28 percent from the number of such applications submitted for enrollment during the fall of 2003.

(7) The total number of foreign students enrolled in graduate schools in the United States during the fall of 2004 declined 6 percent from the number of such enrollments during the fall of 2003.

(8) The number of foreign students enrolled in schools in the United States during the 2003–2004 academic year decreased by 2.4 percent from the number of such students the 2002–2003 academic year, marking the first absolute decline in foreign enrollments since the 1971–1972 academic year.

(9) The policies implemented by the United States since September 11, 2001, and the public perceptions they have engendered, have discouraged many foreign students from studying in the United States and have frustrated the efforts of many foreign scholars and exchange visitors from visiting the United States.

(10) The United States must improve its student, scholar, scientist, and exchange visitor screening process to protect against terrorists seeking to harm the United States.

(11) The United States has seen a dramatic increase in requests for Visa Mantis checks, checks designed to protect against illegal transfers of sensitive technology, from approximately 1,000 in fiscal year 2000 to approximately 18,500 in fiscal year 2004.

(12) Concerns related to the international student monitoring system known as ''SEVIS'' have also contributed to the decline in the number of foreign applicants to educational institutions in the United States.

(13) Other countries have instituted aggressive strategies for attracting foreign students, scholars, and scientists, and have adjusted their policies to encourage and accommodate access to universities and scientific exchange. One such country, Australia, has increased enrollment by foreign students in educational institutions in Australia by more than 53 percent since 2001.

(14) The European Union has set forth a comprehensive strategy to be the ''most competitive and dynamic knowledge-based economy in the world'' by 2010. Part of this strategy is aimed at enhancing economic competitiveness by making the European Union the most favorable destination for students, scholars, and researchers from other regions of the world.

(15) In order to maintain United States competitiveness in the world economy, build vital relationships with future world leaders, and improve popular perceptions of the United States overseas, the United States requires a comprehensive strategy for recruiting foreign students, scholars, scientists, and exchange visitors.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) SEVIS.—The term ''SEVIS'' means the program to collect information relating to

nonimmigrant foreign students and other exchange program participants required by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 4. AMENDMENT TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.

The Mutual Education and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"SEC. 115. STRATEGIC PLAN FOR INTERNATIONAL EDUCATIONAL EXCHANGE.

''(a) REQUIREMENT FOR PLAN.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the ACTION Act of 2005, the President, in consultation with institutions of higher education in the United States, organizations that participate in international exchange programs, and other appropriate groups, shall develop a strategic plan for enhancing the access of foreign students, scholars, scientists, and exchange visitors to the United States for study and exchange activities.

''(2) CONTENT.—The strategic plan shall include the following:

''(A) A marketing plan that utilizes the Internet and other media resources to promote and facilitate study in the United States by foreign students.

''(B) A clear division of responsibility that eliminates duplication and promotes interagency cooperation with regard to the roles of the Departments of State, Commerce, Education, Homeland Security, and Energy in promoting and facilitating access to the United States for foreign students, scholars, scientists, and exchange visitors.

''(C) A mechanism for institutionalized coordination of the efforts of Departments of State, Commerce, Education, and Homeland Security in facilitating access to the United States for foreign students, scholars, scientists, and exchange visitors.

''(D) A plan to utilize the educational advising centers of the Department of State that are located in foreign countries to promote study in the United States and to prescreen visa applicants.

''(E) A description of the lines of authority and responsibility for foreign students in the Department of Commerce.

''(F) A description of the mandate related to foreign student and scholar access to educational institutions in the United States for the Department of Education.

''(G) Streamlined procedures within the Department of Homeland Security related to foreign students, scholars, scientists, and exchange visitors.

''(H) Streamlined procedures to facilitate international scientific collaboration.

''(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of the ACTION Act of 2005, the President shall submit the strategic plan to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

''(b) RECIPROCITY AGREEMENTS.—It is the sense of Congress that the United States should negotiate reciprocity agreements with foreign countries with the goal of mutual agreement on extending the validity of student and scholar visas to 4 years and permitting multiple entry on student and scholar visas.

''(c) ANNUAL REPORT.—

''(1) REQUIREMENT.—The President, acting through the Secretary of State, in consultation with the Secretary of Education, Secretary of Commerce, Secretary of Homeland Security, and Secretary of Energy, shall submit to Congress an annual report on the implementation of the strategic plan required by subsection (a) and on any negotiations with foreign countries related to the reciprocity agreements referred to in subsection (b).

''(2) CONTENT.—An annual report submitted under this subsection shall include a description of the following:

''(A) Measures undertaken to enhance access to the United States by foreign students, scholars, scientists, and exchange visitors and to improve inter-agency coordination with regard to foreign students, scholars, scientists, and exchange visitors.

''(B) Measures taken to negotiate reciprocal agreements referred to in subsection (b).

''(C) The number of foreign students, scholars, scientists, and exchange visitors who applied for visas to enter the United States, disaggregated by applicants' fields of study or expertise, the number of such visa applications that are approved, the number of such visa applications that are denied, and the reasons for such denials.

''(D) The average processing time for an application for a visa submitted by a foreign student, scholar, scientist, or exchange visitor.

''(E) The number of applications for a visa submitted by foreign students, scholars, scientists, or exchange visitors that require inter-agency review.

''(F) The number of applications for a visa submitted by foreign students, scholars, scientists, or exchange visitors that were approved after receipt of such applications in each of the following:

''(i) Less than 15 days.

''(ii) Between 15 and 30 days.

''(iii) Between 31 and 45 days.

''(iv) Between 46 and 60 days.

''(v) Between 61 and90 days.

''(vi) More than 90 days.

''(3) SUBMISSION OF REPORT.—Not later than November 30 2005, and annually thereafter through 2008, the President shall submit to Congress the report described in this subsection.''.

SEC. 5. FAIRNESS IN THE SEVIS PROCESS.

(a) REDUCED FEE FOR SHORT-TERM STUDY.—

(1) IN GENERAL.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended by striking the second sentence and inserting ''Except as provided in subsection (g)(2), the fee imposed on any individual may not exceed $100, except that in the case of an alien admitted under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $35 and that in the case of an alien admitted under subparagraph (F) of such section (8 U.S.C. 1101(a)(15)(F)) for a program that will not exceed 90 days, the fee shall not exceed $35.''.

(2) TECHNICAL AMENDMENTS.—Such section is further amended—

(A) in the first sentence, by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) in the third sentence, by striking ''Attorney General's'' and inserting ''Secretary's''.

(b) REPORT ON IMPROVING FEE COLLECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the feasibility of—

(1) entering data into the SEVIS database and collecting the fee required by section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)) only after the applicant's visa has been approved; or

(2) refunding the fee required by such section in the event that the applicant's visa has been denied.

SEC. 6. REFORMING SEVIS DATABASE MANAGEMENT.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State shall—

(1) develop policies that permit authorized representatives of SEVIS-approved schools or programs to make corrections to a student, scholar, or exchange visitor's record directly within the SEVIS database;

(2) in the case of such corrections that cannot be made by such representatives, ensure that sufficient resources are made available to enable such corrections to be made in a timely manner;

(3) develop policies to prohibit the detention or deportation of a student who is found to be out of status as a result of a SEVIS database error; and

(4) review the regulations and technology used in the SEVIS system, in order to streamline processes and reduce the time required for SEVIS-approved universities and programs to perform data entry tasks.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the implementation of this section.

SEC. 7. INTEROPERABLE DATA SYSTEMS.

(a) RESPONSIBILITIES OF THE FBI DIRECTOR.—The Director of the Federal Bureau of Investigation shall take the steps necessary to ensure that the Federal Bureau of Investigation has full connectivity to the Consular Consolidated Database.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the Director's progress in ensuring that the Federal Bureau of Investigation has full connectivity to the Consular Consolidated Database.

SEC. 8. FACILITATING ACCESS.

(a) FINDING.—Congress finds that improvements in visa processing would enhance the national security of the United States by—

(1) permitting closer scrutiny of visa applicants who might pose threats to national security; and

(2) permitting the timely adjudication of visa applications of those whose presence in the United States serves important national interests.

(b) SENSE OF CONGRESS.—It is the sense of Congress that improvements in visa processing should include—

(1) an operational visa policy that articulates the national interest of the United States in denying entry to visitors who seek to harm the United States and in opening entry to legitimate visitors, to guide consular officers in achieving the appropriate balance;

(2) a greater focus by the visa system on visitors who require special screening, while minimizing delays for legitimate visitors;

(3) a timely, transparent, and predictable visa process, through appropriate guidelines for inter-agency review of visa applications; and

(4) a provision of the necessary resources to fund a visa processing system that meets the requirements of this Act.

(c) VISA PROCESSING.—

(1) IN GENERAL.—Not withstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of State shall issue appropriate guidance to consular officers in order to—

(A) give consulates appropriate discretion to grant waivers of personal appearance for foreign students, scholars, scientists and exchange visitors in order to minimize delays for legitimate travelers while permitting more thorough interviews of visa applicants in appropriate cases;

(B) establish a presumption of visa approval for frequent visitors who have previously been granted visas for the same purpose and who have no status violations and for people previously approved for visas who had to depart the United States for family emergencies; and

(C) give appropriate discretion, according to criteria developed at each post and approved by the Secretary of State, to view as ''recreational in nature'' courses of a duration no more than 1 semester or its equivalent, and not awarding certification, license or degree, for purposes of determining appropriateness to visitor status.

(2) TIMELINESS STANDARDS.—Not later than 60 days after the date of enactment of this Act, the President shall publish final regulations for inter-agency review of visa applications requiring security clearances which establish the following standards for timeliness for international student, scholar, scientist, and exchange visitor visas that—

(A) establish a 15-day standard for responses to the Department of State by other agencies involved in the clearance process;

(B) establish a 30-day standard for completing the entire inter-agency review and advising the consulate of the result of the review;

(C) provide for expedited processing of any visa application with respect to which a review is not completed within 30 days, and for advising the consulate of the delay and the estimated processing time remaining; and

(D) establish a special review process to resolve any cases whose resolution is still pending after 60 days.

(d) STANDARDS FOR VISA EVALUATIONS.—

(1) IN GENERAL.—Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) is amended—

(A) by striking ''having a residence in a foreign country which he has no intention of abandoning'' and inserting ''having the intention, capability, and sufficient financial resources to complete a course of study in the United States''; and

(B) by striking ''and solely'' after ''temporarily''.

(2) PRESUMPTION OF STATUS.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking ''subparagraph (L) or'' and inserting ''subparagraph (F), (J), (L), or''.

(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall report to appropriate congressional committees on—

(1) the feasibility of expediting visa processing for participants in official exchange programs, and for students, scholars, scientists and exchange visitors through prescreening of applicants by the government or a university in the country in which the individual resides, a Department of State educational advising center located in a foreign country, or other appropriate entity;

(2) the feasibility of developing the capability to collect biometric data without requiring an applicant for a visa to appear in person at a United States mission in a foreign country; and

(3) the implementation of the guidance described in subsection (b), including the training of consular officers, and the effect of such guidance and training on visa processing volume and timeliness.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out to carry out this Act, including for the consular affairs and educational and cultural exchange functions of the Department of State, the visa application review and SEVIS database management function of the Department of Homeland Security, for the Departments of Education, Commerce, and State to develop an implement a marketing plan to attract international students, scholars, scientists, and exchange visitors, and for database improvements in the Federal Bureau of Investigations as specified in section 7.

Mr. BINGAMAN. Mr. President, I rise today, along with Senator COLEMAN, to introduce the American Competitiveness Through International Openness Now (''ACTION'') Act of 2005.

A few days ago, I came to the Senate floor to discuss the importance of the United States taking steps to ensure that we remain the world leader in terms of scientific research and innovation. There is a global competition underway for dominance in science and technology, and I remain concerned that the federal resources we are allocating for research and development are completely insufficient. At a time when other countries are investing more in R & D, we are cutting back Federal support of key science programs. Our Nation's economic competitiveness depends on reversing this trend.

We must also do all we can to continue to develop a highly skilled domestic workforce. It is paramount that we improve math and science education in our school systems, and spend more on graduate education in science and engineering. Maintaining the world's best education system is essential for ensuring Americans well-paying jobs and critical for our economic and national security.

Another area that we must also address in order to ensure U.S. competitiveness in the world economy is visa processing for scientists, engineers, and students wishing to come to the United States. Red tape and delays, although improving, still plague our overseas embassies and threaten our long-term economic security.

The ACTION Act of 2005 would address this important issue.

A country's immigration system helps determines its relationship to the global marketplace. The system can either be conducive to the free flow of ideas, scientists, and international business ventures, or it can provide disincentives to the flow of international talent and scientific collaboration.

Since September 11, the United States has adopted a number of visa policies aimed at making the United States and the traveling public more secure. Unfortunately, those policies have also had a significant impact on scientific collaboration with other countries and have made it problematic for exchange students to come to the United States with the ease they once enjoyed. While the United States has an obligation to thoroughly vet visa applicants, we need to find ways to do so that keep us engaged with the rest of the world and keep our efforts focused on those that seek to do us harm.

Our international economic competitors are taking proactive steps to encourage highly talented students and graduates to come to their countries and study in their universities. In contrast, the attitude that the United States seems to be projecting to highly talented foreign scientists and students is one of complacency. This not only damages our image abroad, but also hampers research in the nation's laboratories and universities.

Recent studies from the National Science Foundation and the Council of Graduate Schools, as well as State Department statistics, have documented a sharp decline in the foreign students seeking advanced scientific and technical degrees in graduate schools across the United States. The National Science Foundation has found that the combination of an overly restrictive U.S. policy towards issuing visas, the growing perception that the United States is hostile to foreigners, and the increase in opportunities overseas has significantly challenged our ability to attract the best and brightest from around the world to come to the U.S. to study and engage in open scientific exchange.

The 2003–2004 academic year marked the first absolute decline in foreign student enrollments since the early 1970's. And in the fall of 2004, international student applications to graduate schools dropped 28 percent from the same time in 2003.

In contrast, other countries have instituted aggressive strategies for attracting students, scholars, and scientists and have sought to encourage access to universities and promote scientific collaboration. One such example is Australia, which has increased international student enrollment 53 percent since 2001. The European Union has also set forth a comprehensive strategy to be the ''most competitive and dynamic knowledge-based economy in the world'' by 2010. A key part of this strategy is aimed at making the E.U. the most favorable destination for students, scholars, and researchers from around the world.

Our university system is the envy of the world, and where we have a long-standing record of producing the best

trained and most innovative scientists and engineers, and we must not concede our leadership in this area.

It is also important to note that international students play an important economic role—the Institute of International Education recently determined that through tuition and living expenses, foreign students contribute roughly $13 billion to the U.S. economy.

In particular, the ACTION Act of 2005 would help keep international students and scientist coming to the United States to participate in essential research and exchange programs by: improving visa processing in a manner consistent with national security; requiring the President to develop a strategic plan to enhance the recruitment and access of students, scholars, and scientist coming to the United States; reforming the SEVIS system, which tracks students, to allow approved schools to make corrections to a student's record to correct database errors; and by facilitating that the FBI and the State Department develop interoperable data systems.

Openness to international students and scientist is an important aspect of maintaining American competitiveness in the world economy, and I ask my fellow colleagues to join me in supporting this essential bill.

By Mr. SMITH (for himself, Mr. JEFFORDS, Mr. CHAFEE, Mr. ROCKEFELLER, and Ms. COLLINS):

S. 456. A bill to amend part A of title IV of the Social Security Act to permit a State to receive credit towards the work requirements under the temporary assistance for needy families program for recipients who are determined by appropriate agencies working in coordination to have a disability and to be in need of specialized activities; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Pathways to Independence Act of 2005, along with Senators JEFFORDS, CHAFEE, ROCKEFELLER, and COLLINS. This bill includes two important provisions that we will work to include in TANF reauthorization. These provisions will help States work with TANF recipients who have disabilities to transition them into work.

In July 2002, the General Accounting Office reported that as many as 44 percent of TANF families have a parent or child with a physical or mental impairment. This is almost three times as high as among the non-TANF population in the United States. In eight percent of TANF families, there is both a parent and a child with a disability; among non-TANF families, this figure is one percent. The GAO's work confirmed the findings of earlier studies, including work by the Urban Institute and the HHS Inspector General.

These figures mean that we need to make sure that TANF reauthorization legislation gives States the ability and incentives to help families meet their current needs, while also helping them to move from welfare to work. This is the lesson that Oregon and many other States have already learned as they developed and refined their TANF programs.

The first provision of my bill provides a pragmatic approach to helping parents with disabilities and substance abuse problems receive the treatment and other rehabilitative services they will need to succeed in a work setting. It is designed so that, over time, States can gradually increase the work activity requirements, while continuing to provide clients with rehabilitative services. Under this proposal, much like in other proposals under consideration, a person participating in rehabilitation can be counted as engaged in work activity for three months. After the first three months, if a person continues to need rehabilitative services, the State can continue to count participation in those activities for another three months, so long as that person is engaged in some number of work hours, to be determined by the State.

The next step of my proposal builds on the concept of partial credit that is being considered in the Senate Finance Committee. If, after six months, a State determines that a person has a continuing need for rehabilitative services, the State may create a package that combines work activity with these services. The State will receive credit for the individual's efforts so long as at least one-half of the hours in which the individual participates are in core work activities. For example, if a State receives full credit for a person who works 30 hours per week, and the State has determined that an individual needs rehabilitative services beyond six months, that individual would need to be engaged in core work activities for at least 15 hours per week to get full credit, with the remaining 15 hours spent in rehabilitative services. Similarly, if partial credit is available for a person who works 24 hours per week, then a State could receive that same partial credit if the person was engaged in core work activities for at least 12 hours per week, with the remaining 12 hours spent in rehabilitative services.

This approach is appealing for many reasons. First, it allows states to design a system in which a person can move progressively over time from rehabilitation toward work. Second, it gives states credit for the time and effort they will need to invest to help people move successfully from welfare to work by allowing States to use a range of strategies to help these families. Third, it creates a more realistic structure for individuals with disabilities and addictions who may otherwise fall out of the system either through sanction or discouragement, despite their need for financial support. Finally, this approach is appealing because it is designed to work within the structure of the final TANF reauthorization bill.

I look forward to working with my co-sponsors, Senators JEFFORDS, CHAFEE, ROCKEFELLER, and COLLINS, and with the Chairman of the Finance Committee on these important provisions in the upcoming months, and I urge my colleagues to join us in support of this legislation.

I also wish to thank all of the organizations that have expressed support for this bill. I have received support letters from those organizations, and I ask unanimous consent that those letters be printed in the RECORD

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

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

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
February 17, 2005.

Hon. GORDON SMITH,
Senate,
Washington, DC.
Hon. SUSAN M. COLLINS,
Senate,
Washington, DC.
Hon. JOHN D. ROCKEFELLER IV,
Senate.
Washington, DC.
Hon. JAMES M. JEFFORDS,
Senate,
Washington, DC.
Hon. LINCOLN D. CHAFEE,
Senate,
Washington, DC.

DEAR SENATORS SMITH, JEFFORDS, COLLINS, CHAFEE, AND ROCKEFELLER: We are writing to thank you for introducing legislation that addresses a key problem facing TANF families with a parent with a disability. We believe that this provision, if included in the larger TANF reauthorization bill, will significantly improve the ability of states to help families successfully move from welfare toward work while also ensuring that the needs of family members with disabilities are met. We enthusiastically support this legislation.

Consortium for Citizens with Disabilities (CCD) is a coalition of national consumer, advocacy, provider and professional organizations headquartered in Washington, DC. We work together to advocate for national public policy that ensures the self determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The CCD TANF Task Force seeks to ensure that families that include persons with disabilities are afforded equal opportunities and appropriate accommodations under the Temporary Assistance for Needy Families (TANF) block grant.

The research is clear that many TANF families include a parent or a child with a disability, and in some families, there is both a child and a parent with a disability. The numbers are high—GAO has found that as many as 44 percent of TANF families have a child or a parent with a disability—and need to be addressed in the policy choices

that Congress makes in TANF reauthorization. We believe that, by designing policies that take into account the needs of families with a member with a disability, Congress can help the states move greater numbers of these families off of welfare and toward greater independence. Without reasonable supports, however, and through no fault of their own, these families sometimes fail at work activity and are often subject to inappropriate sanctioning and the crises that flow from abrupt—and often prolonged—loss of income.

Your bill would provide low-income families with members with disabilities real opportunities to achieve self-sufficiency. Under current law, states have the flexibility—either through a waiver such as Oregon has or as a result of the caseload reduction credit—to ensure that a parent with a disability, including a substance abuse problem, receives the rehabilitative services she needs in order to move towards work. In recent years, increasing numbers of states have used this flexibility as they realized that some parents would need more specialized help if they were going to successfully leave TANF. Some of the current reauthorization proposals, however, limit states to counting three or six months of rehabilitative services as work activity. Such short limits on rehabilitative services would be inadequate to help many families with members with disabilities find and sustain employment, and, in light of proposed increases in state participation rates, would discourage states from designing programs and requirements that work for people with the most severe barriers.

Your bill will allow states to count rehabilitative services as work activity beyond six months as long as the state TANF agency works collaboratively with other public or private agencies in determining disability and the services that will be provided and the rehabilitative services are mixed with significant work activity. We believe this mix of work activities and supports will help an individual with severe barriers move toward greater independence. The provision would allow states to count individuals participating in rehabilitative services after six months as long as at least one-half of the hours in which the individual participates are in core work activities. This will allow states to create a progression of work activity hours combined with rehabilitative services over time that will assist in moving the family from welfare to work at a pace that is designed to lead to success for that family.

CCD is not asking Congress to exempt individuals with disabilities from participation in the TANF program. On the contrary, we are looking for the essential assistance and supports that will help families move off of welfare toward greater independence. Your bill does not create any exemptions from participation requirements, and in fact, provides the necessary assistance and supports that can come with participation in the TANF program. Under the bill, states would have to engage the same number of recipients in welfare-to-work activities as under the standard set in a new reauthorization law. The provision simply allows states to utilize a broader range of activities to help recipients with barriers move to work. In short, this is a way to make the TANF program work for parents with disabilities and substance abuse problems. The provision would give states credit when recipients with barriers are engaged in activities and, thus, will encourage states to assist families with barriers to progress toward work in a manner and at a pace that is more tailored to their needs and disabilities.

Thank you again for introducing this legislation and your leadership on this very important issue. We look forward to working with you and your staffs to ensure that this provision becomes law.

Sincerely,

American Music Therapy Association
American Network of Community Options and Resources
APSE: The Network on Employment
Association of University Centers on Disability
Bazelon Center for Mental Health Law
Brain Injury Association of America
Center on Budget and Policy Priorities
Council for Exceptional Children
Council of State Administrators of Vocational Rehabilitation
County Welfare Directors Association of California
Easter Seals
Epilepsy Foundation
Goodwill Industries International
National Association of Protection and Advocacy Systems
National Association of Research and Training Centers
National Association of Social Workers
National Association of State Mental Health Program Directors
National Association of State Head Injury Administrators
National Law Center on Homelessness and Poverty
National Mental Health Association
National Rehabilitation Association
National Respite Coalition
NISH
Paralyzed Veterans of America
The Arc of the United States
United Cerebral Palsy

FEBRUARY 17, 2005.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.
Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate,
Washington, DC.
Hon. JAMES M. JEFFORDS,
U.S. Senate,
Washington, DC.
Hon. LINCOLN D. CHAFEE,
U.S. Senate Washington, DC.

DEAR SENATORS SMITH, JEFFORDS, ROCKEFELLER, COLLINS, AND CHAFEE: Thank you for introducing the ''Pathways to Independence Act of 2005.'' The provision included in this bill, if included in the TANF reauthorization legislation, will improve the ability of states to help TANF recipients with disabilities, including substance abuse problems, to move towards work and greater independence.

Your bill improves on provisions in the Personal Responsibility and Individual Development for Everyone (PRIDE) Act, which passed the Senate Finance Committee in the last Congress and has now been introduced as part of S. 6. The current Senate version of the PRIDE Act allows states to count rehabilitative services towards the work participation rate for up to six months, as long as some core work activity is combined with the rehabilitative services in the second three-month period. The Smith-Jeffords bill builds on this and would allow states to count participation in rehabilitative activities beyond six months, so long as the individual participates in at least one-half the required core work activity hours. The bill also would encourage states to work collaboratively with other agencies that have expertise in identifying disabilities and developing appropriate service plans to address those disabilities.

The encouragement of collaboration is a critical component of the bill. It is our experience that many states have used the flexibility of current law to begin developing such collaborative approaches to working with families who face multiple barriers to employment and independence. However, we are concerned that the increased participation rate requirement contemplated in TANF reauthorization proposals will discourage states from continuing such collaborative approaches to helping families progress on the pathway to independence. Unless states are provided more flexibility in determining what activities count towards the participation rate, we fear states that are already providing critical services will no longer be able to provide them.

For example, last year, the Vermont Vocational Rehabilitation Agency, working in conjunction with the state's TANF agency, reported that it had recently assisted 109 recipients with disabilities in achieving successful employment (defined as stable employment for 90 days). Only 14 of the 109 TANF recipients with disabilities (or 12.8 percent) achieved stable employment in six months or less. Without flexibility to go beyond six months in providing rehabilitative services to people with disabilities, as provided by the Smith-Jeffords bill, Vermont would have risked penalties by offering rehabilitative services beyond six months and 95 of the 109 TANF recipients with disabilities would have been unlikely to receive the services they needed to become successfully employed.

Similarly, drug and alcohol treatment programs that serve women with children, including women receiving TANF assistance, generally require more than six months of services. Indeed, 54 percent of these family-based treatment programs extend beyond six months and demonstrate successful outcomes of upwards of 60 percent of parents achieving lasting sobriety and family stabilization. Family-based treatment programs combine job training, parenting classes, education, and life skills training in their substance abuse treatment plans. These programs also include employment as an essential aspect of the treatment plan, when a particular individual is ready to engage in work. Allowing individuals time to complete treatment is critical. An Oregon study showed that those who completed drug treatment received wages 65 percent higher than those who did not. Nationally, SAMHSA research demonstrates that the longer parents stay in substance abuse treatment programs the more likely they are to succeed: of parents who stayed in treatment for more than six months, 71 percent achieved sustained recovery after completing treatment as well as six months post-discharge.

The goal should be to help parents with disabilities, including substance abuse problems, obtain whatever help they need—for however long they need, as determined by the state and local agencies working together—to help them successfully move from welfare to work. Allowing states to receive credit for only a limited number of months of rehabilitative services will mean that some parents do not get the intensive help they need to succeed.

We are also quite concerned that many of the families who are unable to obtain the

services they need will end up in the child welfare system. It is the most disadvantaged families, those with barriers such as mental or physical disabilities or problems with substance abuse, who are at greatest risk of making the transition into the child welfare system.

Thus, neither families nor states can afford an inflexible and ineffective approach to addressing barriers in the TANF program. States must be permitted to count participation in activities that help parents with disabilities successfully participate in the workplace and care for their children, for as long as those activities are needed to help the family progress towards greater independence. We believe that your bill provides this needed flexibility and will encourage state agencies to work collaboratively in assisting these families. Thank you again for introducing this legislation.

Sincerely,

Alliance for Children and Families
American Academy of Child and Adolescent Psychiatry
American Association of People with Disabilities
American Association on Health and Disability
American Counseling Association
American Dance Therapy Association
American Federation of Teachers
American Humane Association
American Music Therapy Association
American Network of Community Options and Resources
APSE: The Network on Employment
American Professional Society on the Abuse of Children
American Psychological Association
Association of University Centers on Disability
Bazelon Center for Mental Health Law
Black Administrators in Child Welfare Inc.
Brain Injury Association of America
Center for Law and Social Policy
Center on Budget and Policy Priorities
Child Welfare League of America
Children Awaiting Parents
Children's Defense Fund
Children's Healthcare Is a Legal Duty
Coalition on Human Needs
Community Anti-Drug Coalitions of America
Council for Exceptional Children
Council of Learning Disabilities
Council of State Administrators of Vocational Rehabilitation
Easter Seals
Epilepsy Foundation
Episcopal Community Services
Goodwill Industries International
Helen Keller National Center
Legal Action Center
Legal Momentum
Lutheran Services in America
National Alliance of Children's Trust and Prevention Funds
National Alliance to End Homelessness
National Association of Protection and Advocacy Systems
National Association of Research and Training Centers
National Association of School Psychologists
National Association of Social Workers
National Association of State Mental Health Program Directors
National Association of State Head Injury Administrators
National Association for Children of Alcoholics
National Association for Children's Behavioral Health
National Child Abuse Coalition
National Coalition on Deaf-Blindness
National Council of La Raza
National Council on Alcoholism & Drug Dependence
National Education Association
National Indian Child Welfare Association
National Law center on Homelessness and Poverty
National Mental Health Association
National Rehabilitation Association
National Respite Coalition
NISH
Paralyzed Veterans of America
Protestants for the Common Good
Research Institute for Independent Living
School Social Work Association of America
The Arc of the United States
Therapeutic Communities of America
United Cerebral Palsy
Union for Reform Judaism
Voices for America's Children
Women of Reform Judaism
YWCA USA

S. 456

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pathways to Independence Act of 2005''.

SEC. 2. STATE OPTION TO RECEIVE CREDIT FOR RECIPIENTS WHO ARE DETERMINED BY APPROPRIATE AGENCIES WORKING IN COORDINATION TO HAVE A DISABILITY AND TO BE IN NEED OF SPECIALIZED ACTIVITIES.

(a) IN GENERAL.—Section 407(c)(2) of the Social Security Act (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

''(E) STATE OPTION TO RECEIVE CREDIT FOR RECIPIENTS WHO ARE DETERMINED BY APPROPRIATE AGENCIES WORKING IN COORDINATION TO HAVE A DISABILITY AND TO BE IN NEED OF SPECIALIZED ACTIVITIES.—

''(i) INITIAL 3-MONTH PERIOD.—At the option of the State, if the State agency responsible for administering the State program funded under this part determines that an individual described in clause (iv) is not able to meet the State's full work requirements, but is engaged in activities prescribed by the State, the State may deem the individual as being engaged in work for purposes of determining monthly participation rates under paragraphs (1)(B)(i) and (2)(B) of subsection (b) for not more than 3 months in any 24-month period.

''(ii) ADDITIONAL 3-MONTH PERIOD.—A State may extend the 3-month period under clause (i) for an additional 3 months only if, during such additional 3-month period, the individual engages in rehabilitative services prescribed by the State and a work activity described in subsection (d) for such number of hours per month as the State determines appropriate.

''(iii) RULES FOR CREDIT IN SUCCEEDING MONTHS.—

''(I) IN GENERAL.— If the State agency responsible for administering the State program funded under this part works in collaboration or has a referral relationship with other governmental or private agencies with expertise in disability determinations or appropriate services plans for adults with disabilities (including agencies that receive funds under this part) and one of these entities determines that an individual treated as being engaged in work under clauses (i) and (ii) continues to be unable to meet the State's full work requirements because of the individual's disability and continuing need for rehabilitative services after the conclusion of the periods applicable under such clauses, then for purposes of determining monthly participation rates under paragraphs (1)(B)(i) and (2)(B) of subsection (b), the State may receive credit in accordance with subclause (II) for certain activities undertaken with respect to the individual.

''(II) CREDIT FOR ACTIVITIES UNDERTAKEN THROUGH COLLABORATIVE AGENCY PROCESS.—Subject to subclause (III), if the State undertakes to provide services for an individual to which subclause (I) applies through a collaborative process that includes governmental or private agencies with expertise in disability determinations or appropriate services for adults with disabilities, the State shall be credited for purposes of the monthly participation rates determined under paragraphs (1)(B)(i) and (2)(B) of subsection (b) with the lesser of—

''(aa) the sum of the number of hours the individual participates in an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month and the number of hours that the individual participates in rehabilitation services under this clause for the month; or

''(bb) twice the number of hours the individual participates in an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month.

''(III) LIMITATION.—A State shall not receive credit under this clause towards the monthly participation rates under paragraphs (1)(B)(i) and (2)(B) of subsection (b) unless the State reviews the disability determination of an individual to which subclause (I) applies and the activities in which the individual is participating not less than every 6 months.

''(iv) INDIVIDUAL DESCRIBED.—For purposes of this subparagraph, an individual described in this clause is an individual who the State has determined has a disability, including a substance abuse problem, and would benefit from participating in rehabilitative services while combining such participation with other work activities.

''(v) DEFINITION OF DISABILITY.—In this subparagraph, the term 'disability' means a physical or mental impairment, including substance abuse, that—

''(I) constitutes or results in a substantial impediment to employment; or

''(II) substantially limits 1 or more major life activities.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2005.

Mr. JEFFORDS. Mr. President, it is a pleasure for me to introduce today, along with my colleagues Senators SMITH, COLLINS, CHAFEE, and ROCKEFELLER, the ''Pathways to Independence Act of 2005.'' This legislation is the product of a bipartisan effort to ensure that those individuals in our welfare system who face the toughest barriers to work, such as individuals with disabilities or substance abuse problems, are provided the best opportunity for future success and productivity. This legislation gives states the tools and incentives necessary to assist them in moving individuals from welfare to work.

The current welfare system has been widely regarded as a success in moving individuals off the welfare rolls, and states have been given incentives to do so. While this approach has been regarded as successful, it has one major

flaw. Although the states are provided incentives for removing people from the welfare rolls, no incentives exist for placing individuals into sustainable employment. States receive the same credit for moving a welfare recipient into a high paying job as they do for sanctioning that person outright. This perverse incentive has been particularly difficult for the many welfare recipients who have disabilities or struggle with substance abuse problems. In many states it is easier to write these people off than to give them the support necessary to become truly independent.

In Vermont, approximately 15 percent of the welfare caseload has been diagnosed with a disability and receive services through the Vermont Department of Vocational Rehabilitation. Vermont's effort to provide these services enables welfare recipients to, move from welfare to work. However, these services are not included in the core work activities allowed under the current welfare law. Vermont receives no credit or incentive for moving these individuals to independence. This policy is wrong. If we truly want welfare to be an initiative that helps people to become independent and self-sufficient, then our policies must reflect our intentions. That is where ''The Pathways to Independence Act of 2005'' comes into play.

The ''Pathways to Independence Act of 2005'' would allow states to count certain rehabilitation services for individuals with disabilities and treatment for substance abuse toward work activities. Here's how it works: the legislation would give states the ability to count a welfare recipient who is engaged in work, or work preparation activities, to participate in a drug treatment program for three months. At the end of this 3-month period, the state would be given the opportunity to reevaluate the status of the individual and decide whether to continue treatment for an additional 3 months. This is the same process that is envisioned in the ''Personal Responsibility and Individual Development for Everyone (PRIDE) Act'' that the Finance Committee is planning to consider this spring. The PRIDE approach would then require an individual with a severe barrier to meet the same standard as a non-disabled individual. However, the ''Pathways to Independence Act'' would allow the state to continue treatment for the individual, provided that the individual is meeting at least half of the regular work requirements and following their treatment program for the remaining hours.

This is a common sense proposal. It is consistent with the research on providing effective support programs for people with disabilities and effective treatment programs for people struggling with substance abuse leading to sustainable employment. By allowing states to count these individuals in the ''working'' category, we provide the states with the necessary incentives to engage those most difficult to serve in meaningful ways that will help them to work. It will allow the states to place people with disabilities and substance abuse problems on a pathway to independence.

The ''Pathways to Independence Act of 2005'' would supply the states with the tools and incentives necessary to provide welfare recipients with the greatest chance for independence and self-sufficiency. If we truly want to take the necessary steps towards achieving this goal and improving upon our current welfare system, this legislation must be part of any welfare reform reauthorization that is enacted.

I would like to thank the members of the Consortium for Citizens with Disabilities for their help in developing this legislation and their strong letter in support of this initiative. I especially want to thank my colleague from Oregon, Senator SMITH, for his commitment to this legislation and all of our cosponsors in this endeavor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 58—COMMENDING THE HONORABLE HOWARD HENRY BAKER, JR., FORMERLY A SENATOR OF TENNESSEE, FOR A LIFETIME OF DISTINGUISHED SERVICE

Mr. FRIST (for himself, Mr. BYRD, Mr. REID, Mr. ALEXANDER, Mr. COCHRAN, Mr. STEVENS, Mr. DOMENICI, Mr. HATCH, Mr. WARNER, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 58

Whereas Howard Henry Baker, Jr., son of Howard Henry Baker and Dora Ladd Baker, was heir to a distinguished political tradition, his father serving as a Member of Congress from 1951 until his death in 1964, his stepmother Irene Baker succeeding Howard Baker, Sr. in the House of Representatives, and his grandmother Lillie Ladd Mauser having served as Sheriff of Roane County, Tennessee;

Whereas Howard Baker, Jr. served with distinction as an officer in the United States Navy in the closing months of World War II;

Whereas Howard Baker, Jr. earned a law degree from the University of Tennessee Law School in Knoxville where, during his final year (1948–1949), he served as student body president;

Whereas after graduation from law school Howard Baker, Jr. joined the law firm founded by his grandfather in Huntsville, Tennessee, where he won distinction as a trial and corporate attorney, as a businessman, and as an active member of his community;

Whereas during his father's first term in Congress, Howard Baker, Jr. met and married Joy Dirksen, daughter of Everett McKinley Dirksen, a Senator of Illinois, in December 1951, which marriage produced a son, Darek, in 1953, and a daughter, Cynthia, in 1956;

Whereas Howard Baker, Jr. was elected to the Senate in 1966, becoming the first popularly elected Republican Senator in the history of the State of Tennessee;

Whereas during three terms in the Senate, Howard Baker, Jr. played a key role in a range of legislative initiatives, from fair housing to equal voting rights, the Clean Air and Clean Water Acts, revenue sharing, the Senate investigation of the Watergate scandal, the ratification of the Panama Canal treaties, the enactment of the economic policies of President Ronald Reagan, national energy policy, televising the Senate, and more;

Whereas Howard Baker, Jr. served as both Republican Leader of the Senate (1977–1981) and Majority Leader of the Senate (1981–1985);

Whereas Howard Baker, Jr. was a candidate for the Presidency in 1980;

Whereas Howard Baker, Jr. served as White House Chief of Staff during the Presidency of Ronald Reagan;

Whereas Howard Baker, Jr. served as a member of the President's Foreign Intelligence Advisory Board during the Presidencies of Ronald Reagan and George H.W. Bush;

Whereas following the death of Joy Dirksen Baker, Howard Baker, Jr. married Nancy Landon Kassebaum, a former Senator of Kansas;

Whereas Howard Baker, Jr. served with distinction as Ambassador of the United States to Japan during the Presidency of George W. Bush and during the 150th anniversary of the establishment of diplomatic relations between the United States and Japan;

Whereas Howard Baker, Jr. was awarded the Medal of Freedom, the Nation's highest civilian award; and

Whereas Howard Baker, Jr. set a standard of civility, courage, constructive compromise, good will, and wisdom that serves as an example for all who follow him in public service: Now, therefore, be it

Resolved, That the Senate commends its former colleague, the Honorable Howard Henry Baker, Jr., for a lifetime of distinguished service to the country and confers upon him the thanks of a grateful Nation.

SENATE RESOLUTION 59—URGING THE EUROPEAN UNION TO MAINTAIN ITS ARMS EXPORT EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. SMITH (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. KYL, Mr. CHAMBLISS, Mr. ENSIGN, and Mr. SHELBY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 59

Whereas, on June 4, 1989, the Communist Government of the People's Republic of China ordered the People's Liberation Army to carry out an unprovoked, brutal assault on thousands of peaceful and unarmed demonstrators in Tiananmen Square, resulting in hundreds of deaths and thousands of injuries;

Whereas, on June 5, 1989, President George H. W. Bush condemned these actions of the Government of the People's Republic of China, and the United States took several concrete steps to respond to the military assault, including suspending all exports of items on the United States Munitions List to the People's Republic of China;

Whereas, on June 27, 1989, the European Union (then called the European Community) imposed an arms embargo on the People's Republic of China in response to the Government of China's brutal repression of protestors calling for democratic and political reform;

Whereas the European Council, in adopting that embargo, ''strongly condemn[ed] the brutal repression taking place in China'' and ''solemnly request[ed] the Chinese authorities... to put an end to the repressive actions against those who legitimately claim their democratic rights'';

Whereas the poor human rights conditions that precipitated the decisions of the United States and the European Union to impose and maintain their respective embargoes have not improved;

Whereas the Department of State 2003 Country Reports on Human Rights Practices states that, during 2003, ''The [Chinese] Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses,'' and, furthermore, that ''there was backsliding on key human rights issues during the year'';

Whereas, according to the same Department of State report, credible sources estimated that as many as 2,000 persons remained in prison in the People's Republic of China at the end of 2003 for their activities during the June 1989 Tiananmen demonstrations;

Whereas the Government of the People's Republic of China continues to maintain that its crackdown on democracy activists in Tiananmen Square was warranted and remains unapologetic for its brutal actions, as demonstrated by that Government's handling of the recent death of former Premier and Communist Party General Secretary, Zhao Ziyang, who had been under house arrest for 15 years because of his objection to the 1989 Tiananmen crackdown;

Whereas, since December 2003, the European Parliament, the legislative arm of the European Union, has rejected in four separate resolutions the lifting of the European Union arms embargo on the People's Republic of China because of continuing human rights concerns in China;

Whereas the January 13, 2005, resolution of the European Parliament called on the European Union to maintain its arms embargo on the People's Republic of China until the European Union ''has adopted a legally binding Code of Conduct on Arms Exports and the People's Republic of China has taken concrete steps towards improving the human rights situation in that country... [including] by fully respecting the rights of minorities'';

Whereas a number of European Union member states have individually expressed concern about lifting the European Union arms embargo on the People's Republic of China, and several have passed resolutions of opposition in their national parliaments;

Whereas the European Union Code of Conduct on Arms Exports, as a non-binding set of principles, is insufficient to control European arms exports to the People's Republic of China;

Whereas public statements by some major defense firms in Europe and other indicators suggest that such firms intend to increase military sales to the People's Republic of China if the European Union lifts its arms embargo on that country;

Whereas the Department of Defense fiscal year 2004 Annual Report on the Military Power of the People's Republic of China found that ''[e]fforts underway to lift the European Union (EU) embargo on China will provide additional opportunities to acquire specific technologies from Western suppliers'';

Whereas the same Department of Defense report noted that the military modernization and build-up of the People's Republic of China is aimed at increasing the options of the Government of the People's Republic of China to intimidate or attack democratic Taiwan, as well as preventing or disrupting third-party intervention, namely by the United States, in a cross-strait military crisis;

Whereas the June 2004, report to Congress of the congressionally-mandated, bipartisan United States-China Economic and Security Review Commission concluded that ''there has been a dramatic change in the military balance between China and Taiwan,'' and that ''[i]n the past few years, China has increasingly developed a quantitative and qualitative advantage over Taiwan'';

Whereas the Taiwan Relations Act (22 U.S.C. 3301 et seq.), which codified in 1979 the basis for continued relations between the United States and Taiwan, affirmed that the decision of the United States to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the balance of power in the Taiwan Straits and, specifically, the military capabilities of the People's Republic of China, directly affect peace and security in the East Asia and Pacific region;

Whereas the Foreign Minister of Japan, Nobutaka Machimura, recently stated that Japan is opposed to the European Union lifting its embargo against the People's Republic of China and that ''[i]t is extremely worrying as this issue concerns peace and security environments not only in Japan but also in East Asia as a whole'';

Whereas the United States has numerous security interests in the East Asia and Pacific region, including the security of Japan, Taiwan, South Korea, and other key areas, and the United States Armed Forces, which are deployed throughout the region, would be adversely affected by any Chinese military aggression;

Whereas the lifting of the European Union arms embargo on the People's Republic of China would increase the risk that United States troops could face military equipment and technology of Western, even United States, origin in a cross-strait military conflict;

Whereas this risk would necessitate a reevaluation by the United States Government of procedures for licensing arms and dual-use exports to member states of the European Union in order to attempt to prevent the retransfer of United States exports from such countries to the People's Republic of China;

Whereas the report of the United States-China Economic and Security Review Commission on the Symposia on Transatlantic Perspectives on Economic and Security Relations with China, held in Brussels, Belgium and Prague, Czech Republic from November 29, 2004, through December 3, 2004, recommended that the United States Government continue to press the European Union to maintain the arms embargo on the People's Republic of China and strengthen its arms export control system, as well as place limitations on United States public and private sector defense cooperation with foreign firms that sell sensitive military technology to China;

Whereas the lax export control practices of the People's Republic of China and the continuing proliferation of technology related to weapons of mass destruction and ballistic missiles by state-sponsored entities in China remain a serious concern of the United States Government;

Whereas the most recent Central Intelligence Agency Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, found that ''Chinese entities continued to work with Pakistan and Iran on ballistic missile-related projects during the second half of 2003,'' and that ''[d]uring 2003, China remained a primary supplier of advanced conventional weapons to Pakistan, Sudan, and Iran'';

Whereas, as recently as December 20, 2004, the United States Government determined that seven entities of the People's Republic of China, including several state-owned companies involved in China's military-industrial complex, should be subject to sanctions under the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) for sales to Iran of prohibited equipment or technology; and

Whereas the assistance provided by these entities to Iran works directly counter to the efforts of the United States and several European countries to curb illicit weapons activities in Iran: Now, therefore, be it

Resolved, That the Senate—

(1) strongly supports the United States embargo on the People's Republic of China;

(2) strongly urges the European Union to continue its ban on all arms exports to the People's Republic of China;

(3) requests that the President raise United States objections to the potential lifting of the European Union arms embargo against the People's Republic of China in upcoming meetings with European officials;

(4) encourages the United States Government to make clear in discussions with Governments in Europe that a lifting of the European Union embargo on arms sales to the People's Republic of China would potentially adversely affect transatlantic defense cooperation, including future transfers of United States military technology, services, and equipment to European Union countries;

(5) urges the European Union—

(A) to close any loopholes in its arms embargo on the People's Republic of China and in its Code of Conduct on Arms Exports;

(B) to make its Code of Conduct on Arms Exports legally binding and enforceable;

(C) to more carefully regulate and monitor the end-use of exports of sensitive dual-use technology; and

(D) to increase transparency in its arms and dual-use export control regimes;

(6) deplores the ongoing human rights abuses in the People's Republic of China; and

(7) urges the United States Government and the European Union to cooperatively develop a common strategy to seek—

(A) improvement in the human rights conditions in the People's Republic of China;

(B) an end to the military build-up of the People's Republic of China aimed at Taiwan;

(C) improvement in the export control practices of the People's Republic of China; and

(D) an end to the ongoing proliferation by state-sponsored entities in China of technology related to weapons of mass destruction and ballistic missiles.

Mr. SMITH. Mr. President, I rise today to submit a resolution on the European Union's expressed intent to lift its arms embargo against China.

During the EU-China summit meeting last December, the European Union indicated that it is likely to lift the arms embargo it imposed against China after the 1989 Tiananmen Square massacre. Evidently, the ''strategic partnership'' the EU seeks with China and base economic interests trump the human rights considerations that were the reason for instituting the embargo in the first place. How the EU proceeds on this issue will reveal a great deal about the role it seeks to play in the world.

In helping the Chinese develop their military capabilities, the Europeans see two principal benefits. China's enhanced military prowess would serve as a more effective counterweight to American power, theoretically strengthening the EU's hand in international political and strategic decisions. Additionally, European defense industries stand to gain billions of euros in Chinese contracts which, for EU leaders, seems too good to resist.

Sadly, the EU seems to be giving in to Chinese blackmail. Because China views the continued arms embargo as an international black eye and an embarrassing reminder of the Tiananmen crackdown, it has aggressively lobbied the Europeans to lift it, even saying that their trade relationship will be jeopardized if the embargo remains in place.

It is important to remember the reason for imposing the embargo: China's brutal reaction to the democratic movement in 1989 that resulted in the death of hundreds of Chinese and the imprisonment of thousands more. So, when we consider the future of the embargo it seems self-evident to evaluate the current state of human rights in China today.

Though the government's methods may be more refined than we saw in June 1989, the situation remains bleak. Chinese citizens who attempt to exercise basic rights are dealt with harshly. People are jailed for writing essays. Priests are beaten and abused. Churches are closed, their leaders detained. Birth planning policies are cruelly implemented. The Chinese people are still unable to speak freely, to meet without interference, or to worship in peace.

Although respect for basic human rights is one of the values that define the Euro-Atlantic tradition, the EU seems ready to discard it at will. It is foolish for them to call on China to improve its human rights record and then talk of rewarding them by lifting the embargo. I cringe to think of the message that sends to the brave Chinese dissidents fighting for democracy.

The EU claims that lifting the embargo will not change the status quo. Its argument is based on the EU's 'Code of Conduct' that lays out minimal standards (including respect for human rights and preservation of regional peace) for EU nations to consider before approving arms sales. There would be no explosion of military sales to China if the embargo is lifted, EU leaders say. But not only is the Code of Conduct ineffective, it is purely voluntary. And if its terms are violated, it is not legally enforceable.

Even if the EU were to strengthen the code of conduct and improve its transparency, I am confident that EU members would ignore its provisions if they deem it economically advantageous. Otherwise, I doubt their defense industries would be as enthusiastic about access to the Chinese marketplace.

There are serious consequences if the EU proceeds down this road. By giving China access to advanced military systems, including surveillance and communication equipment, the EU would be directly responsible for modernizing the Chinese military. On a regional basis, the delicate strategic balance in the Taiwan straits will be altered, and as one Pentagon official states, China will be able to kill Americans more effectively. China's recent threatening moves against Japan will be seen as more dangerous. And whether the EU admits it or not, China will have a greater capability to suppress internal dissent.

This may not matter to Europe. But they should carefully consider the impact this move would have on the transatlantic relationship that they claim to value. I can guarantee that if the EU lifts its arms embargo against China, the Congress will reassess the close defense and intelligence cooperation that the United States has with Europe and work to reverse the liberalization of technology transfers to our European partners. To do otherwise would be irresponsible. If we share advanced technology with the EU which then allows China even limited access to it, our forces in the Pacific are more vulnerable to Chinese misadventure.

Last November, British Foreign Minister Jack Straw told me that the United Kingdom did not want to jeopardize its close defense relationship with the U.S. over the arms embargo issue. Yet, apparently the British believe that this is an instance where it can play the role of a good European, rather than an American partner. I take heart that there are some EU members that still believe in the importance of taking a stand on human rights grounds. Unfortunately, I am not certain their views can prevail in Brussels.

I am pleased that my distinguished colleague, Senator BIDEN, has joined me in submitting this resolution today, along with Senators BROWNBACK, KYL, CHAMBLISS, and ENSIGN.

President Bush will be traveling to Europe next week, where he will meet with senior European and EU leaders. This resolution states our strong support of the United States arms embargo on China and urges the European Union to maintain its embargo as well. It also urges the President to raise our objections to the EU lifting its embargo and to engage the Europeans during his meetings next week in a discussion on how doing so could adversely affect the transatlantic relationship. It encourages the EU to examine its current arms control policies, close any loopholes, and examine their trade with China in light of serious human rights concerns.

I believe, and it is expressed in the resolution, that this situation presents us with an opportunity to work with the EU to strengthen the transatlantic relationship. By working together actively on a common strategy to improve human rights in China, end the Chinese military build-up against Taiwan, improve Chinese export control practices, and bring an end to the ongoing proliferation by state-sponsored entities in China of technology related to weapons of mass destruction and ballistic missiles, we are more likely to achieve our common goal.

But I am concerned that the strident competitiveness of some senior European leaders and their obsession with hampering America's ability to operate in the world is impacting U.S. national security interests, rather than purely economic or commercial ones. Multipolarity is not a policy goal, it's a recipe for disaster. At what cost is the EU trying to counter American power? In order to play a greater role in the world, they are willing to risk one that is more dangerous.

SENATE RESOLUTION 60—SUPPORTING DEMOCRATIC REFORM IN MOLDOVA AND URGING THE GOVERNMENT OF MOLDOVA TO ENSURE A DEMOCRATIC AND FAIR ELECTION PROCESS FOR THE MARCH 6, 2005, PARLIAMENTARY ELECTIONS

Mr. MCCAIN (for himself, Mr. LUGAR, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 60

Whereas, on August 27, 1991, Moldova declared independence from the Soviet Union;

Whereas parliaments were elected in Moldova in free and fair multiparty elections during 1990, 1994, and 1998;

Whereas international observers stated that the May 2003 local elections for mayors and regional councilors, despite scattered reports of irregularities, were generally consistent with international election standards;

Whereas Freedom House, a non-profit, nonpartisan organization working to advance the expansion of political and economic freedom, has designated Moldova's political environment as ''partly free'' and, using a scale of 1 to 7 (with 1 being the most free), assigned a rating of 3 for political rights in Moldova and 4 for civil liberties in Moldova;

Whereas a genuinely free and fair election requires a period of political campaigning

conducted in an environment in which administrative action, violence, intimidation, or detention do not hinder the parties, political associations, and candidates from presenting their views and qualifications to potential voters;

Whereas, in a genuinely democratic election, parties and candidates are free to organize supporters and conduct public meetings and events;

Whereas ensuring that parties and candidates enjoy unimpeded access to television, radio, print, and Internet media on a nondiscriminatory basis is fundamental to a free, fair, and democratic election;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and to seek and acquire information upon which to make an informed vote in a manner that is free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas Moldova is scheduled to conduct parliamentary elections on March 6, 2005;

Whereas reports indicate that national and local officials in Moldova are increasing their control and manipulation of the media as the election date approaches;

Whereas there have been widespread reports of harassment of opposition candidates and workers by the police in Moldova;

Whereas other reports indicate that intimidation of independent civil society monitoring groups by authorities in Moldova is occurring on an increasingly frequent basis;

Whereas such actions are inconsistent with Moldova's history of the holding of free and fair elections and raise grave concerns regarding the commitment of the authorities in Moldova to conducting free and fair elections;

Whereas the parliamentary elections scheduled for March 6, 2005 will provide a test of the extent to which the Government of Moldova is committed to democracy, free elections, and the rule of law; and

Whereas the holding of truly free and fair elections in Moldova, including a free and democratic campaign preceding an election, are vital to improving the relationship between Moldova and the United States and to the United States providing support for resolution of the Transnistria conflict and for the provision of assistance to Moldova through the Millennium Challenge Account: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and welcomes the strong relationship formed between the United States and Moldova since Moldova declared independence from the Soviet Union on August 27, 1991;

(2) recognizes that a precondition for the full integration of Moldova into the Western community of nations is the establishment of a genuinely democratic political system in Moldova;

(3) supports the sovereignty, independence, and territorial integrity of Moldova;

(4) encourages all political parties in Moldova to offer genuine solutions to the serious problems that face Moldova, including human trafficking, corruption, unemployment, and territorial issues;

(5) expresses its strong and continuing support for the efforts of the people of Moldova to establish full democracy, including the rule of law and respect for human rights;

(6) urges the Government of Moldova to meet its commitments to the Organization for Security and Co-operation in Europe (OSCE) for the holding of democratic elections;

(7) urges the Government of Moldova to ensure—

(A) the full transparency of election procedures before, during, and after the parliamentary elections scheduled to be held on March 6, 2005;

(B) the right to vote for all citizens of Moldova;

(C) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a nondiscriminatory basis; and

(D) the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation; and

(8) pledges its enduring support and assistance to the people of Moldova for the establishment of a fully free and open democratic system that is free from coercion, the creation of a prosperous free market economy, the establishment of a secure independence, and Moldova's assumption of its rightful place as a full and equal member of the Western community of democracies.

SENATE RESOLUTION 61—RECOGNIZING THE NATIONAL READY MIXED CONCRETE ASSOCIATION ON ITS 75TH ANNIVERSARY AND ITS MEMBERS' VITAL CONTRIBUTIONS TO THE INFRASTRUCTURE OF THE UNITED STATES

Mr. INHOFE submitted the following resolution; which was considered and agreed to:

S. RES. 61

Whereas the National Ready Mixed Concrete Association was founded and incorporated in the Commonwealth of Pennsylvania on the 26th day of December, 1930;

Whereas the founders of the National Ready Mixed Concrete Association possessed the leadership and vision to establish a single voice for the ready mixed concrete industry;

Whereas the National Ready Mixed Concrete Association represents and acts on behalf of the industry before all divisions of government and those public and private organizations whose work affects the ready mixed concrete business;

Whereas the National Ready Mixed Concrete Association has been a pioneer in the field of concrete technology through groundbreaking research and advanced scientific methods in the practical use and applications of ready mixed concrete;

Whereas the National Ready Mixed Concrete Association has gained national distinction by developing innovative breakthroughs in engineering, aggressive market promotion, and its contribution toward the creation of the first undergraduate degree in concrete industry management in the United States;

Whereas the National Ready Mixed Concrete Association leads the concrete industry through its education and certification programs;

Whereas the National Ready Mixed Concrete Association today represents 1,300 producer member companies, both national and multinational, that employ thousands of workers and operate in every congressional district in the United States;

Whereas the National Ready Mixed Concrete Association continues today to assist producers in the ready mixed concrete community through the introduction of innovative safety procedures, modern health initiatives, and progressive environmental control programs in an effort to enhance the performance level of the industry; and

Whereas the National Ready Mixed Concrete Association will continue to look toward the future by forging alliances within the ready mixed community, and by becoming more educated in business operations and more knowledgeable about the product and the role of ready mixed concrete in the construction and building of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Ready Mixed Concrete Association for its 75 year history and its contributions to the construction of the infrastructure of the United States, including homes, buildings, bridges, and highways;

(2) recognizes that the National Ready Mixed Concrete Association has been and will continue to be an invaluable asset in developing the history and character of the United States; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the National Ready Mixed Concrete Association as an expression of appreciation and for public display at the National Ready Mixed Concrete Association's 2005 national convention.

SENATE RESOLUTION 62—SUPPORTING THE GOALS AND IDEALS OF A "ROTARY INTERNATIONAL DAY" AND CELEBRATING AND HONORING ROTARY INTERNATIONAL ON THE OCCASION OF ITS CENTENNIAL ANNIVERSARY

Mr. DURBIN (for himself, Mr. OBAMA, Mr. STEVENS, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 62

Whereas Rotary International, founded on February 23, 1905, in Chicago, Illinois, is the world's first service club and 1 of the largest nonprofit service organizations;

Whereas there are more than 1.2 million Rotary International club members comprised of professional and business leaders in more than 31,000 clubs in more than 165 countries;

Whereas the Rotary International motto, "Service Above Self", inspires members to provide humanitarian service, meet high ethical standards, and promote international good will;

Whereas Rotary International funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries;

Whereas in 1985, Rotary International launched Polio Plus and spearheaded efforts with the World Health Organization, Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio;

Whereas polio cases have dropped by 99 percent since 1988, and the world now stands on the threshold of eradicating the disease;

Whereas Rotary International is the largest privately-funded source of international scholarships in the world and promotes international understanding through scholarships, exchange programs, and humanitarian grants;

Whereas since 1947, more than 35,000 students from 110 countries have studied abroad as Rotary Ambassadorial Scholars;

Whereas Rotary International's Group Study Exchange program has helped more than 46,000 young professionals explore career fields in other countries;

Whereas 8,000 secondary school students each year experience life in another country through Rotary International's Youth Exchange Program;

Whereas over the past 5 years, members of Rotary International in all 50 States have hosted participants in Open World, a program sponsored by the Library of Congress, and therefore have earned the honor of serving as Open World's most outstanding host;

Whereas there are approximately 400,000 Rotary International club members in more than 7,700 clubs throughout the United States sponsoring service projects to address critical issues such as poverty, health, hunger, illiteracy, and the environment in their local communities and abroad; and

Whereas February 23, 2005, would be an appropriate date on which to observe Rotary International Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a ''Rotary International Day'' to celebrate the centennial anniversary of Rotary International; and

(2) recognizes Rotary International for 100 years of service to improving the human condition in communities throughout the world.

SENATE RESOLUTION 63—CALLING FOR AN INVESTIGATION INTO THE ASSASSINATION OF PRIME MINISTER RAFIQ HARIRI AND URGING STEPS TO PRESSURE THE GOVERNMENT OF SYRIA TO WITHDRAW FROM LEBANON

Mr. REID (for Mr. BIDEN (for himself, Mr. LUGAR, Mr. REID, Mr. FRIST, Mr. LEVIN, Mr. DODD, Mr. CORZINE, Mr. ALLEN, and Mr. CHAFEE)) submitted the following resolution; which was considered and agreed to:

S. RES. 63

Whereas on February 14, 2005, Rafiq Hariri, the former Prime Minister of Lebanon, was assassinated in a despicable terrorist attack;

Whereas the car bomb used in the assassination killed 16 others and injured more than 100 people;

Whereas the intent of the terrorists who carried out the assassination was to intimidate the Lebanese people and push Lebanon backward toward chaos;

Whereas Rafiq Hariri served as Prime Minister of Lebanon for a total of 10 years since the end of the Lebanese war in 1991;

Whereas Rafiq Hariri helped revitalize the economy of Lebanon and rebuild its shattered infrastructure and pioneered and directed the rebirth of Beirut's historic downtown district;

Whereas Rafiq Hariri stepped down as Prime Minister on October 20, 2004;

Whereas Syria maintains at least 14,000 troops and a large number of intelligence personnel in Lebanon;

Whereas there is widespread opposition in Lebanon to the continuing Syrian presence in Lebanon;

Whereas the United Nations Security Council issued a Presidential Statement (February 15, 2005) condemning the terrorist bombing that killed Rafiq Hariri and calling on ''the Lebanese Government to bring to justice the perpetrators, organizers and sponsors of this heinous terrorist act'';

Whereas United Nations Security Council Resolution 1559 (September 2, 2004) calls for the political independence and sovereignty of Lebanon, the withdrawal of foreign forces from Lebanon, and the disarmament of all militias in Lebanon;

Whereas Syria is the main supporter of the terrorist group Hezbollah, the only significant remaining armed militia in Lebanon;

Whereas Hezbollah supports Palestinian terrorist groups and poses a threat to the prospects for peace in the Middle East;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) was enacted into law on December 12, 2003; and

Whereas the President has recalled the United States Ambassador to Syria for urgent consultations: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the cowardly and despicable assassination of Rafiq Hariri, the former Prime Minister of Lebanon;

(2) extends condolences to Prime Minister Hariri's family and the people of Lebanon;

(3) supports United Nations Security Council Resolution 1559 (September 2, 2004), which calls for the withdrawal of all foreign forces from Lebanon;

(4) urges the President to seek a United Nations Security Council resolution that establishes an independent investigation into the assassination;

(5) urges the President to consider imposing sanctions under the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note); and

(6) supports the call of the Lebanese people for an end to Syria's presence in Lebanon, and for free and fair elections monitored by international observers.

SENATE RESOLUTION 64—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD PREPARE A COMPREHENSIVE STRATEGY FOR ADVANCING AND ENTERING INTO INTERNATIONAL NEGOTIATIONS ON A BINDING AGREEMENT THAT WOULD SWIFTLY REDUCE GLOBAL MERCURY USE AND POLLUTION TO LEVELS SUFFICIENT TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT

Mr. JEFFORDS (for himself, Ms. SNOWE, Mr. SARBANES, Mr. LIEBERMAN, Mr. LEAHY, Mr. DAYTON, Mr. LAUTENBERG, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 64

Whereas mercury is a persistent, bioaccumulative, and toxic heavy metal;

Whereas mercury is found naturally in the environment but is also emitted into the air, land, and water in various forms in the United States and around the world during fossil fuel combustion, waste incineration, chlor-alkali production, mining, and other industrial processes, as well as during the production, use, and disposal of various products;

Whereas mercury air pollution has the ability to both deposit locally and travel thousands of miles in a global atmospheric pool of emissions before eventual deposition, crossing national boundaries and becoming a shared global burden;

Whereas the United Nations Environment Programme reported that, on average, anthropogenic emissions of mercury since preindustrial times have resulted in 50- to 300-percent increases in deposition rates around the world;

Whereas the United Nations Environment Programme reported that global consumption of mercury equaled 3,337 tons in 1996, and that all mercury releases to the global environment total approximately 5,000 tons each year;

Whereas mercury air pollution can deposit into lakes, streams, and the oceans where it is transformed into toxic methylmercury and bioaccumulates in fish and fish-eating wildlife;

Whereas the National Academy of Sciences confirmed that consumption of mercury-contaminated fish and seafood by pregnant women can cause serious neurodevelopmental harm in the fetus, including such detrimental effects as intelligence quotient deficits, abnormal muscle tone, decreases in motor function, attention, or visuospatial performance, mental retardation, seizure disorders, cerebral palsy, blindness, and deafness;

Whereas the 1997 Mercury Study Report submitted by the Administrator of the Environmental Protection Agency to Congress found that every region of the United States is adversely affected by mercury deposition;

Whereas the Food and Drug Administration, the Environmental Protection Agency, and 44 States currently have advisories warning the public to limit consumption of certain fish that are high in mercury content;

Whereas, of the 4,000,000 children born every year in the United States, a scientist at the Environmental Protection Agency estimates that approximately 630,000 are exposed to mercury levels in the womb above the safe health threshold, caused primarily by maternal consumption of mercury-tainted fish;

Whereas these health and environmental effects of mercury contamination can impose significant social and economic costs in the form of increased medical care, special educational and occupational needs, reduced economic performance, and disruptions in recreational and commercial fishing and hunting, and can create disproportionate health, social, and economic impacts among subpopulations dependent on subsistence fishing;

Whereas the Environmental Protection Agency has estimated that the United States is a net emitter of mercury in that the United States contributes 3 times as much mercury to the global atmospheric pool of air emissions as it receives through deposition;

Whereas the United States Geological Survey has not reported mercury consumption figures for key sectors in the United States economy since 1996, thereby creating important information gaps relating to domestic mercury use and trade;

Whereas the quantity of domestic fugitive chlor-alkali sector emissions has been labeled an enigma by the Environmental Protection Agency;

Whereas, in accordance with Public Law 101–549 (commonly known as the ''Clean Air Act Amendments of 1990'') (42 U.S.C. 7401 et seq.), the Environmental Protection Agency determined in December 2000 that a maximum achievable control technology standard for mercury and other air toxic emissions for electric utility steam generating

units in the United States is appropriate and necessary, and listed coal- and oil-fired electric utility steam generating units for regulation, thereby triggering a statutory requirement that maximum achievable controls be implemented at every existing coal- and oil-fired electric utility steam generating unit by not later than December 2005;

Whereas other major stationary sources have already implemented maximum achievable control technology standards for mercury and other air toxics, as required by the Clean Air Act (42 U.S.C. 7401 et seq.);

Whereas effective mercury and other heavy metal removal techniques have been demonstrated and are available on an industrial scale in the major stationary source categories;

Whereas the lack of effective emission control standards in other countries can give foreign industries a competitive advantage over United States businesses;

Whereas alternatives and substitutes have been demonstrated and are available to reduce or eliminate mercury use in most products and processes;

Whereas the European Commission reports that mercury mining, the closing of mercury cell chlor-alkali facilities, and the phasing out of other outmoded industrial processes in the United States and Europe are contributing significantly to imports of mercury in the developing world;

Whereas the Department of Defense announced in April 2004 that it will consolidate and store its stockpile of approximately 5,000 tons of mercury rather than allow the surplus to enter the global marketplace;

Whereas from 1996 through 2004, the Environmental Council of the States adopted or renewed 9 resolutions highlighting the importance of substantially reducing mercury use and releases in the United States and around the world, and of managing excess supplies of mercury so that they do not enter the global marketplace;

Whereas many States, including California, Connecticut, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin, are already implementing their own laws, regulations, and other strategies for tracking or reducing various forms of mercury use and pollution, and the Governors of States in New England have set a goal of virtually eliminating mercury emissions in that region;

Whereas the European Commission is developing a mercury strategy that is aimed at comprehensively addressing all aspects of the mercury cycle, including the use, trade, and release of mercury;

Whereas the United States is a party to the Protocol on Heavy Metals of the Convention on Long-Range Transboundary Air Pollution, done at Aarhus, Denmark on June 24, 1998, which entered into force in December 2003 and commits the United States to a basic obligation to limit air emissions of mercury and other heavy metals from new and existing sources, within 2 and 8 years respectively, using the best available techniques;

Whereas the current parties to the Convention and the Protocol represent only a portion of anthropogenic emissions of heavy metals annually that are subject to transboundary atmospheric transport and are likely to have significant adverse effects on human health or the environment;

Whereas the 22nd session of the United Nations Environment Programme Governing Council concluded that there is sufficient evidence in the Programme's Global Mercury Assessment of significant global adverse impacts to warrant international action to reduce the risks to human health and the environment from releases of mercury;

Whereas the United Nations Environment Programme invited submission of governmental views on medium- and long-term actions on mercury and other heavy metals, which will be synthesized into a report for presentation at the 23rd session of the Governing Council occurring February 21 to 25, 2005, with a view to developing a legally binding instrument, a non-legally binding instrument, or other measures or actions; and

Whereas the United States has taken no position on any such instrument: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should engage constructively and proactively in international dialogue regarding mercury pollution, use, mining, and trade; and

(2) the President should prepare a comprehensive strategy—

(A) to advance and enter into international negotiations on a binding agreement that would—

(i) reduce global use, trade, and releases of mercury to levels sufficient to protect public health and the environment, including steps to—

(I) establish specific and stringent targets and schedules for reductions in mercury use in the United States, and emissions below levels for calendar year 2000, beyond current domestic and global efforts;

(II) end primary mercury mining in the near future and establish a system to ensure excess mercury supplies do not enter the global marketplace; and

(III) require countries to develop regional and national action plans to address mercury sources and uses;

(ii) include all countries that use, trade, or release significant quantities of mercury into the environment from anthropogenic sources;

(iii) require the application of the best available control technologies and strategies to control releases from industrial sectors in the very near future, including minimizing releases from coal-fired power plants and replacing obsolete mercury products and processes, including the mercury cell chlor-alkali process;

(iv) contain mechanisms for promoting and funding the transfer and adoption of less emitting technologies and mercury-free processes, and for facilitating the safe clean-up of mercury contamination;

(v) establish a standardized system to document and track the use, production, and trade of mercury and mercury-containing products, including a licensing requirement for mercury traders; and

(vi) incorporate explicit mechanisms for adding toxic air pollutants with similar characteristics in the future;

(B) to delineate the preferred structure, format, participants, mechanisms, and resources necessary for achieving and implementing the agreement described in subparagraph (A);

(C) to enter into bilateral and multilateral agreements to align global mercury production with reduced global demand and minimize global mercury releases, while negotiating the agreement described in subparagraph (A);

(D) to initiate and support a parallel international research effort that does not delay current or planned mercury pollution or use reduction efforts—

(i) to collect global data to support the development of a comprehensive inventory of mercury use, mining, trade, and releases; and

(ii) to develop less emitting technologies and technologies to reduce the need for, and use of, mercury in commerce;

(E) to review monitoring capabilities and data collection efforts of the United States for domestic mercury use, trade, and releases to ensure there is sufficient information available for any implementing legislation that may be necessary for compliance with existing protocols and future global mercury agreements;

(F) to work through existing international organizations, such as the United Nations, the International Standards Organization, and the World Trade Organization, to encourage the development of programs, standards, and trade agreements that will result in reduced use and trade of mercury, the elimination of primary mercury mining, and reductions in releases of mercury and other long-range transboundary air pollutants; and

(G) to present at the 23rd session of the United Nations Environment Programme Governing Council a plan for carrying out immediate and long-term actions to reduce global mercury pollution and global exposure to mercury in order to advance the goal of achieving a binding international agreement on mercury.

SENATE RESOLUTION 65—CALLING FOR THE GOVERNMENT OF CAMBODIA TO RELEASE CHEAM CHANNY FROM PRISON, AND FOR OTHER PURPOSES

Mr. BROWNBACK (for himself and Mr. MCCONNELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 65

Whereas, on February 3, 2005, the Cambodian National Assembly voted in a closed-door session to strip the immunity of Sam Rainsy Party opposition parliamentarians Sam Rainsy, Cheam Channy, and Chea Poch;

Whereas local and national press, foreign diplomats, and other observers were refused entry into the National Assembly during the vote;

Whereas the stripping of the parliamentary immunity of Sam Rainsy, Cheam Channy, and Chea Poch places the fate of these opposition parliamentarians in the hands of a notoriously corrupt and politicized judicial system;

Whereas Sam Rainsy, Cheam Channy, and Chea Poch face trumped-up charges of a highly political nature that are intended to silence the democratic opposition;

Whereas Cheam Channy is currently imprisoned in a military jail and, in contravention of Cambodia law, is subject to the jurisdiction of the Military Court in Cambodia;

Whereas the National Assembly vote is yet another attempt to intimidate the democratic opposition in Cambodia, attempts which include the unsolved killing of political activists, including Chea Vichea and Om Radsady, and unsolved attacks against peaceful and legal demonstrations, including the grenade attack against the Khmer Nation Party in March 1997 during which an American citizen was injured;

Whereas the United States, United Nations, and other organizations and individuals have strongly condemned the National Assembly vote as a blow to the democratic development of Cambodia;

Whereas international donors acknowledged during a consultative group meeting in Phnom Penh, Cambodia, last month that accountability and transparency are vital to the country's economic and social development;

Whereas the National Assembly vote underscores the lack of commitment of Prime Minster Hun Sen and National Assembly President Norodom Ranariddh to democracy, accountability, transparency, and the rule of law in Cambodia; and

Whereas President George W. Bush issued a proclamation on January 12, 2004, that entry into the United States should be denied to former and current corrupt public officials and their families: Now therefore be it

Resolved, That the Senate—

(1) calls upon the Government of Cambodia to immediately and unconditionally release Cheam Channy;

(2) calls upon the Cambodian National Assembly to reverse its recent action to strip the immunity of opposition parliamentarians Sam Rainsy, Cheam Channy, and Chea Poch;

(3) urges the Secretary of State, the Secretary-General of the United Nations, international financial institutions, and democracies around the world to continue to publicly and forcefully condemn the Cambodian National Assembly vote;

(4) urges international donors to consider imposing appropriate sanctions against the National Assembly and the Government of Cambodia unless and until it reverses its recent action;

(5) calls upon the Secretary of State to impose visa restrictions on members of the Cambodian National Assembly and their families who voted to strip the immunity of Sam Rainsy, Cheam Channy, and Chea Pok, consistent with the President's Proclamation of January 12, 2004, regarding the denial of visas to corrupt public officials and their families; and

(6) calls upon Prime Minister Hun Sen and Cambodian National Assembly President Norodom Ranariddh to cease and desist their efforts to undermine democracy, human rights, and the rule of law in Cambodia.

SENATE RESOLUTION 66—URGING THE GOVERNMENT OF THE KYRGYZ REPUBLIC TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR PROCESS FOR THE PARLIAMENTARY ELECTIONS SCHEDULED FOR FEBRUARY 27, 2005

Mr. MCCAIN (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 66

Whereas on August 31, 1991, the Kyrgyz Republic declared independence from the Soviet Union;

Whereas the Kyrgyz Republic has been ruled by a single President since gaining independence in 1991 after the collapse of the Soviet Union;

Whereas President Askar Akaev's initial years of power were marked by numerous democratic reforms, including the establishment of independent media and opposition party representation in a bi-cameral parliament;

Whereas in recent years, these democratic reforms have been scaled back or eliminated;

Whereas today in the Kyrgyz Republic, virtually all major television outlets are controlled or influenced by the President's family or the state;

Whereas the political system of the Kyrgyz Republic has been characterized by the Department of State as marred by ''serious irregularities'' and its human rights record has been described by the Department of State as ''poor'';

Whereas in 2002, Government forces shot 4 opposition demonstrators in the southern Aksy region;

Whereas in 2003, President Akaev called for a referendum, with little notice, on a group of Constitutional amendments, leaving both voters and the opposition unprepared to effectively participate in the vote;

Whereas the 2003 referendum vote on the Constitutional amendments was not transparent and contained numerous instances of fraud;

Whereas a genuinely free and fair democratic election requires a period of political campaigning in an environment in which administrative action, violence, intimidation, and detention do not hinder the parties, political associations, or the candidates from presenting their views and qualifications to the citizenry;

Whereas unimpeded access to television, radio, print, and Internet media on a nondiscriminatory basis is fundamental to a genuinely free and fair democratic election;

Whereas a genuinely free and fair election requires that all eligible citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote, and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion;

Whereas the Government of the Kyrgyz Republic, as a participating state in the Organization for Security and Cooperation in Europe (OSCE), has accepted numerous specific commitments governing the conduct of elections, including the provisions of the Copenhagen Document;

Whereas reports indicate that authorities within the Kyrgyz government have stepped up repressive activities ahead of the parliamentary elections scheduled for February 27, 2005, including unfairly excluding opposition candidates from running for office, launching new restrictions on freedom of assembly, harassing opposition supporters and civil society activists, publicly warning against a ''Ukraine scenario'', and attempting to equate political opposition with subversion; and

Whereas the parliamentary elections scheduled for February 27, 2005, will provide an unambiguous test of the extent of the commitment of the Kyrgyz authorities to implementing democratic reforms and building a society based on free elections and the rule of law:

Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and welcomes the strong relationship formed between the United States and the Kyrgyz Republic since the restoration of independence in 1991;

(2) expresses its strong and continuing support for the efforts of the Kyrgyz people to establish a full democracy, the rule of law, and respect for human rights in the Kyrgyz Republic;

(3) urges the Kyrgyz Republic to meet its Organization for Security and Cooperation in Europe commitments on democratic elections; and

(4) urges the Kyrgyz authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2005 parliamentary elections;

(B) the right to vote for all eligible citizens of the Kyrgyz Republic;

(C) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis; and

(D) the right of opposition parties and candidates to assemble freely, campaign openly, and contest the upcoming elections on an equal basis as all other parties, including the party currently in control of the Parliament.

SENATE CONCURRENT RESOLUTION 14—EXPRESSING THE SENSE OF CONGRESS THAT THE CONTINUED PARTICIPATION OF THE RUSSIAN FEDERATION IN THE GROUP OF 8 NATIONS SHOULD BE CONDITIONED ON THE RUSSIAN GOVERNMENT VOLUNTARILY ACCEPTING AND ADHERING TO THE NORMS AND STANDARDS OF DEMOCRACY

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. BURNS, Mr. BAYH, Mr. CHAMBLISS, Mr. SMITH, and Mr. DURBIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 14

Whereas the countries that comprise the Group of 7 nations are pluralistic societies with democratic political institutions and practices, committed to the observance of universally recognized standards of human rights, respect for individual liberties, and democratic principles;

Whereas in 1991 and subsequent years, the leaders of the Group of 7 nations, heads of the governments of the major free market economies of the world who meet annually in a summit meeting, invited then-Russian President Boris Yeltsin to a post-summit dialogue;

Whereas in 1998, the leaders of the Group of 7 nations formally invited President Boris Yeltsin of Russia to participate in an annual gathering that subsequently was known as the Group of 8 nations, although the Group of 7 nations have continued to hold informal summit meetings and ministerial meetings that do not include the Russian Federation;

Whereas the invitation to President Yeltsin to participate in the annual summits was in recognition of his commitment to democratization and economic liberalization, despite the fact that the Russian economy remained weak and the commitment of the Russian Government to democratic principles was uncertain;

Whereas under the leadership of President Vladimir Putin, the Russian Government has attempted to control the activities of independent media enterprises, nongovernmental organizations, religious organizations, and other pluralistic elements of Russian society in an attempt to mute criticism of the government;

Whereas under the leadership of President Putin, the Russian Government has suppressed the activities of independent journalists, international observers, and human

rights monitoring organizations, and has blocked the renewal of the mandate of the Organization for Security and Co-operation in Europe (OSCE) to operate inside Chechnya in an attempt to block public scrutiny of the war in Chechnya;

Whereas the suppression by the Russian Government of independent media enterprises has resulted in widespread government control and influence over the media in Russia, stifling freedom of expression and individual liberties that are essential to any functioning democracy;

Whereas the arrest and prosecution of prominent Russian business leaders who had supported the political opposition to President Putin are examples of selective application of the rule of law for political purposes;

Whereas the courts of the United States, the United Kingdom, Spain, and Greece have consistently ruled against extradition warrants issued by the Russian Government after finding that the cases presented by the Prosecutor General of the Russian Federation have been inherently political in nature;

Whereas Russian military forces continue to commit brutal atrocities against the civilian population in Chechnya and have been implicated in abductions of Chechen civilians who filed cases before the European Court of Human Rights;

Whereas leaders of the Group of 7 nations have repeatedly expressed that a military solution in Chechnya is not possible;

Whereas in the aftermath of the tragic siege of School No. 1 in Beslan, Russia that occurred during September 2004, which was an act of terrorism abhorrent to all civilized people, President Putin cited violence in the North Caucasus as a pretext for consolidating centralized power and proposed to abolish the popular election of regional governors in favor of presidential appointment of such officials;

Whereas the catastrophic consequences of the siege of School No. 1 in Beslan and of the continued violence in Chechnya demonstrate the need to search for political solutions and to commence negotiations between the Government of Russia and moderate Chechen separatists, giving moderates credence over extremist elements;

Whereas the Government of Russia initially supported the undemocratic results of the November 21, 2004, runoff in the Ukrainian presidential election, in spite of widespread election fraud and mass demonstrations in support of a new, legitimate election, which raised concerns among the Group of 7 nations that the commitment of the Government of Russia to democratic standards is waning;

Whereas a wide range of observers at think tanks and nongovernmental organizations have expressed deep concern that the Russian Federation is moving away from the political and legal underpinnings of a market economy and have identified the continuing war in Chechnya as a major threat to stability and democracy in Russia; and

Whereas the continued participation of the Russian Federation in the Group of 8 nations, including the opportunity for the Russian Government to host the Group of 8 nations in 2006 as planned, is a privilege that is premised on the Government of Russia voluntarily accepting and adhering to the norms and standards of democracy, including governmental accountability, transparency, and the rule of law: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the selective prosecution of political opponents and the suppression of free media by the Russian Federation, and the continued commission of widespread atrocities in the conduct of the brutal war in Chechnya, do not reflect the minimum standards of democratic governance and rule of law that characterize every other member state in the Group of 8 nations;

(2) the continued participation of the Russian Federation in the Group of 8 nations, including the opportunity for the Russian Government to host the Group of 8 nations summit in 2006 as planned, should be conditioned on the Russian Government accepting and adhering to the norms and standards of free, democratic societies as generally practiced by every other member nation of the Group of 8 nations, including—

(A) the rule of law, including protection from selective prosecution and protection from arbitrary state-directed violence;

(B) a court system free of political influence and manipulation;

(C) a free and independent media;

(D) a political system open to participation by all citizens and which protects freedom of expression and association; and

(E) the protection of universally recognized human rights; and

(3) the President and the Secretary of State should work with the other members of the Group of 7 nations to take all necessary steps to suspend the participation of the Russian Federation in the Group of 8 nations until the President, after consultation with the other members of the Group of 7 nations, determines and reports to Congress that the Russian Government is committed to respecting and upholding the democratic principles described in paragraph (2).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 17, 2005, at 9:30 a.m., in open session to receive testimony on the Defense authorization request for fiscal year 2006 and future years defense program.

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

COMMITTEE ON FINANCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 17, 2005, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Daniel R. Levinson, to be Inspector General, Department of Health and Human Services, Washington, DC; Harold Damelin, to be Inspector General, Department of the Treasury, Washington, DC; and Raymond Wagner, Jr., to be a Member of the Internal Revenue Service Oversight Board, Washington, DC.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 17, 2004, at 9:30 a.m. to hold a hearing on Russia.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, February 17, 2005, at 10 a.m., in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 17, 2005, at 9:30 a.m., in Senate Dirksen Office Building Room 226.

I. Legislation: S. 256, A bill to Amend Title 11 of the United States Code, and for Other Purposes Act of 2005, [Grassley, Hatch, Sessions]

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, ''The President's Fiscal Year 2006 Budget Request for the SBA'' on Thursday, February 17, 2005, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 17, 2005, at 2:30 p.m., to hold a closed hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, February 17, at 2:30 p.m. to review the National Park Service's implementation of the Federal Lands Recreation Enhancement Act authorized in Public Law 108–447.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORK FORCE, AND THE DISTRICT OF COLUMBIA

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Thursday, February 17,

2005, at 10 a.m. for a hearing entitled, ''Programs in Peril: An Overview of the GAO High-Risk List.''

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

UNANIMOUS-CONSENT AGREEMENT—S. 256

Mr. FRIST. Mr. President, I ask unanimous consent that on Monday, February 28, at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of S. 256, the bankruptcy reform bill, provided that consideration of the bill during Monday's session be for the purpose of debate only.

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

ADJOURNMENT OF THE TWO HOUSES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 66, the adjournment resolution; provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 66) was agreed to, as follows:

H. CON. RES. 66

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 17, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, March 1, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 17, 2005, or Friday, February 18, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 28, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the calendar: All nominations reported by the Armed Services Committee today.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

NOMINATIONS

DEPARTMENT OF DEFENSE

Buddie J. Penn, of Virginia, to be an Assistant Secretary of the Navy.

IN THE AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Mark W. Anderson, 0830
Brigadier General John H. Bordelon, Jr., 0730
Brigadier General Thomas L. Carter, 8008
Brigadier General Howard A. McMahan, 7167
Brigadier General James M. Sluder, III, 2422
Brigadier General Martin M. Mazick, 0371
Brigadier General Thomas A. Dyches, 7682

To be brigadier general

Colonel Roger A. Binder, 5131
Colonel David L. Commons, 9630
Colonel James L. Melin, 2025
Colonel Brian P. Meenan, 1468
Colonel Mike H. McClendon, 6584
Colonel James F. Jackson, 6539
Colonel Kevin F. Henabray, 6598
Colonel Elizabeth A. Grote, 3998
Colonel Michael C. Dudzik, 8866
Colonel Bruce E. Davis, 7287
Colonel Thomas R. Coon, 7963
Colonel Carl M. Skinner, 4165
Colonel Michael B. Newton, 3635
Colonel Robert L. Chu, 9159

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Karl W. Eikenberry, 5197

IN THE MARINE CORPS

The following named officers for apointment 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, 4726
Brigadier General William D Catto, 2394
Brigadier General Walter E Gaskin, Sr, 4185
Brigadier General Timothy R Larsen, 0233
Brigadier General Michael E Ennis, 1117
Brigadier General Michael R Lehnert, 3452
Brigadier General George J Trautman, III,
Brigadier General Richard C Zilmer, 9990
Brigadier General Willie J Williams, 4568
Brigadier General Duane D Thiessen, 8882

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, 1911
Colonel Raymond C Fox, 7722
Colonel Anthony M Haslam, 3978
Colonel David R Heinz, 0784
Colonel Steven A Hummer, 8472
Colonel Anthony L Jackson, 9180
Colonel Richard M Lake, 5425
Colonel Robert E Milstead, Jr, 6669
Colonel Michael R Regner, 2538
Colonel David G Reist, 1269
Colonel Melvin G Spiese, 2800
Colonel John E Wissler, 6593

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. William J. Fallon, 0304

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

To be admiral

Vice Adm. Robert F. Willard, 1564

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, US.C., section 601:

To be admiral

Adm. John B. Nathman, 6751

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Terrance T. Etnyre, 8044

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN51 AIR FORCE nomination of Thomas S. Hoffman, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN52 AIR FORCE nominations (2) beginning HERBERT L. ALLEN JR., and ending DALE A. JACKMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN53 AIR FORCE nomination of Leslie G. Macrae, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN54 AIR FORCE nomination of Omar Billigue, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN55 AIR FORCE nominations (3) beginning Corbert K. Ellison, and ending Gisella Y. Velez, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN56 AIR FORCE nomination of Gretchen M. Adams, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN57 AIR FORCE nomination of Michael D. Shirley Jr., which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN58 AIR FORCE nominations (3) beginning GERALD J. HUERTA, and ending ANTHONY T. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN59 AIR FORCE nomination of Michael F. Lamb, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN60 AIR FORCE nominations (11) beginning DEAN J CUTILLAR, and ending AN ZHU, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN129 AIR FORCE nomination of James D. Shaffer, which was received by the Senate and appeared in the Congressional Record of January 31, 2005.

PN130 AIR FORCE nominations (207) beginning THOMAS WILLIAM ACTON, and ending DEBRA S. ZELENAK, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2005.

PN141 AIR FORCE nominations (2) beginning BARBARA S. BLACK, and ending VINCENT T. JONES, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN142 AIR FORCE nomination of Glenn T. Lunsford, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN143 AIR FORCE nomination of Frederick E. Jackson, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN144 AIR FORCE nominations (2) beginning ROBERT G. PATE, and ending DWAYNE A. STICH, which nominations were received by the Senate and appeared n the Congressional Record of February 8, 2005.

PN145 AIR FORCE nomination of Kelly E. Nation, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN146 AIR FORCE nominations (7) beginning LOURDES J. ALMONTE, and ending ROBERT J. WEISENBERGER, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN147 AIR FORCE nominations (128) beginning BRIAN F. * AGEE, and ending LUN S. YAN, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN148 AIR FORCE nominations (63) beginning MICHELLE D. * ALLENMCCOY, and ending ERIN BREE * WIRTANEN, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN150 AIR FORCE nominations (355) beginning JAMES R. ABBOTT, and ending AN ZHU, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN151 AIR FORCE nominations (45) beginning JOSEPH B. ANDERSON, and ending KONDI WONG, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN152 AIR FORCE nominations (22) beginning JEFFERY F. BAKER, and ending DAVID L. WELLS, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN153 AIR FORCE nominations (45) beginning COREY R. ANDERSON, and ending ETHAN J. YOZA, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN154 AIR FORCE nominations (16) beginning JANICE M. * ALLISON, and ending DANNY K. * WONG, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

IN THE ARMY

PN15 ARMY nomination of Robert A. Lovett, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN16 ARMY nomination of Martin Poffenberger Jr., which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN17 ARMY nomination of Timothy D. Mitchell Jr., which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN18 ARMY nominations (3) beginning WILLIAM F. BITHER, and ending PAUL J. RAMSEY JR., which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN19 ARMY nomination of William R. Laurence Jr., which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN20 ARMY nominations (5) beginning MEGAN K. MILLS, and ending MARIA A. WORLEY, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN21 ARMY nominations (4) beginning TIMOTHY K. ADAMS, and ending JOHN L. POPPE, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN22 ARMY nominations (2) beginning JOSEPH W. BURCKEL, and ending FRANK J. MISKENA, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN23 ARMY nomination of Frank J. Miskena, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN24 ARMY nominations (8) beginning ROSA L. HOLLISBIRD, and ending BETH A. ZIMMER, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN25 ARMY nominations (2) beginning BRUCE A. MULKEY, and ending JEROME F. STOLINSKI JR., which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN26 ARMY nomination of Matthew R. Segal, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN27 ARMY nominations (2) beginning CASANOVA C. OCHOA, and ending CHARLES R. PLATT, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN28 ARMY nominations (2) beginning KENNETH R. GREENE, and ending WILLIAM F. ROY, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN29 ARMY nominations (6) beginning JAMES E. FERRANDO, and ending TERRY R. SOPHER JR., which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN30 ARMY nominations (9) beginning BILLY J. BLANKENSHIP, and ending WILLIAM J. ONEILL, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN31 ARMY nominations (9) beginning MARK E. COERS, and ending RICHARD A. WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN32 ARMY nominations (8) beginning JEFFREY T. ALTDORFER, and ending JOSEPH E. ROONEY, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN33 ARMY nominations (4) beginning DAVID C. BARNHILL, and ending KENNETH B. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN34 ARMY nomination of David B. Enyeart, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN35 ARMY nomination of David A. Greenwood, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN36 ARMY nomination of Sandra W. Dittig, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN37 ARMY nomination of John M. Owings Jr., which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN38 ARMY nomination of Daniel J. Butler, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN42 ARMY nominations (21) beginning SCOTT W ARNOLD, and ending KEITH C WELL, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN44 ARMY nominations (33) beginning PAUL T BARTONE, and ending JEFFREY P ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN45 ARMY nominations (10) beginning CYNTHIA A CHAVEZ, and ending JACLYNN A WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN46 ARMY nominations (17) beginning FRANCIS B AUSBAND, and ending SCOTT A WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN47 ARMY nominations (34) beginning LORETTA A ADAMS, and ending CLARK H WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN48 ARMY nominations (60) beginning ROBERT D AKERSON, and ending BETH A ZIMMER, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN49 ARMY nominations (37) beginning PRISCILLA A BERRY, and ending CATHERINE E WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN155 ARMY nominations (47) beginning JAN E. ALDYKIEWICZ, and ending ROBERT A. YOH, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

IN THE MARINE CORPS

PN65 MARINE CORPS nominations (346) beginning JASON G ADKINSON, and ending JAMES B ZIENTEK, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN156 MARINE CORPS nominations (2) beginning JORGE E. CRISTOBAL, and ending DONALD Q. FINCHAM, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN157 MARINE CORPS nominations (2) beginning RONALD C. CONSTANCE, and ending JOEL F. JONES, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN159 MARINE CORPS nomination of Frederick D. Hyden, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN160 MARINE CORPS nomination of Kathy L. Velez, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN161 MARINE CORPS nomination of John R. Barclay, which was received by the

Senate and appeared in the Congressional Record of February 8, 2005.

PN162 MARINE CORPS nominations (4) beginning MATTHEW J. CAFFREY, and ending WILLIAM R. TIFFANY, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN163 MARINE CORPS nominations (5) beginning JEFF R. BAILEY, and ending JULIO R. PIRIR, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN164 MARINE CORPS nominations (2) beginning JACOB D. LEIGHTY III, and ending JOHN G. OLIVER, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN165 MARINE CORPS nominations (4) beginning STEVEN M. DOTSON; and ending CALVIN W. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN166 MARINE CORPS nominations (8) beginning WILLIAM H. BARLOW, and ending DANNY R. MORALES, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN167 MARINE CORPS nominations (2) beginning ANDREW E. GEPP, and ending WILLIAM B. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN168 MARINE CORPS nominations (5) beginning WILLIAM A. BURWELL, and ending WILLIAM J. WADLEY, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN169 MARINE CORPS nominations (5) beginning KENRICK G. FOWLER, and ending STEVEN E. SPROUT, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN170 MARINE CORPS nominations (2) beginning JAMES P. MILLER JR., and ending MARC TARTER, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN171 MARINE CORPS nomination of David G. Boone, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN172 MARINE CORPS nomination of Michael A. Lujan, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN173 MARINE CORPS nominations (2) beginning MICHAEL A. MINK, and ending LOUANN RICKLEY, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN175 MARINE CORPS nomination of Eloise M. Fuller, which was received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN176 MARINE CORPS nominations (2) beginning JOHN T. CURRAN, and ending THOMAS J. JOHNSON, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

IN THE NAVY

PN61 NAVY nomination of STEVEN P. DAVITO, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN62 NAVY nomination of EDWARD S. WAGNER JR., which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN63 NAVY nominations (36) beginning SAMUEL ADAMS, and ending RANDY J VANROSSUM, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN133 NAVY nominations (14) beginning JASON K BRANDT, and ending RONALD L WITHROW, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2005.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DISCHARGE AND REFERRAL OF S. 70 AND S. 69

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. 70 and that the bill be referred to the Committee on Finance.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. 69 and that the bill be referred to the Committee on Veterans' Affairs.

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

SUPPORTING DEMOCRATIC REFORM IN MOLDOVA

RECOGNIZING THE NATIONAL READY MIXED CONCRETE ASSOCIATION ON ITS 75TH ANNIVERSARY

SUPPORTING THE GOALS AND IDEALS OF A ''ROTARY INTERNATIONAL DAY''

CALLING FOR AN INVESTIGATION INTO THE ASSASSINATION OF PRIME MINISTER RAFIQ HARIRI

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 60, S. Res. 61, S. Res. 62, and S. Res. 63, which were submitted earlier today, en bloc; that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

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

The resolutions (S. Res. 60, S. Res. 61, S. Res. 62, and S. Res. 63) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 60

Whereas, on August 27, 1991, Moldova declared independence from the Soviet Union;

Whereas parliaments were elected in Moldova in free and fair multiparty elections during 1990, 1994, and 1998;

Whereas international observers stated that the May 2003 local elections for mayors and regional councilors, despite scattered reports of irregularities, were generally consistent with international election standards;

Whereas Freedom House, a non-profit, nonpartisan organization working to advance the expansion of political and economic freedom, has designated Moldova's political environment as ''partly free'' and, using a scale of 1 to 7 (with 1 being the most free), assigned a rating of 3 for political rights in Moldova and 4 for civil liberties in Moldova;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which administrative action, violence, intimidation, or detention do not hinder the parties, political associations, and candidates from presenting their views and qualifications to potential voters;

Whereas, in a genuinely democratic election, parties and candidates are free to organize supporters and conduct public meetings and events;

Whereas ensuring that parties and candidates enjoy unimpeded access to television, radio, print, and Internet media on a nondiscriminatory basis is fundamental to a free, fair, and democratic election;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and to seek and acquire information upon which to make an informed vote in a manner that is free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas Moldova is scheduled to conduct parliamentary elections on March 6, 2005;

Whereas reports indicate that national and local officials in Moldova are increasing their control and manipulation of the media as the election date approaches;

Whereas there have been widespread reports of harassment of opposition candidates and workers by the police in Moldova;

Whereas other reports indicate that intimidation of independent civil society monitoring groups by authorities in Moldova is occurring on an increasingly frequent basis;

Whereas such actions are inconsistent with Moldova's history of the holding of free and fair elections and raise grave concerns regarding the commitment of the authorities in Moldova to conducting free and fair elections;

Whereas the parliamentary elections scheduled for March 6, 2005 will provide a test of the extent to which the Government of Moldova is committed to democracy, free elections, and the rule of law; and

Whereas the holding of truly free and fair elections in Moldova, including a free and democratic campaign preceding an election, are vital to improving the relationship between Moldova and the United States and to the United States providing support for resolution of the Transnistria conflict and for the provision of assistance to Moldova through the Millennium Challenge Account: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and welcomes the strong relationship formed between the United States and Moldova since Moldova declared independence from the Soviet Union on August 27, 1991;

(2) recognizes that a precondition for the full integration of Moldova into the Western community of nations is the establishment of a genuinely democratic political system in Moldova;

(3) supports the sovereignty, independence, and territorial integrity of Moldova;

(4) encourages all political parties in Moldova to offer genuine solutions to the serious problems that face Moldova, including human trafficking, corruption, unemployment, and territorial issues;

(5) expresses its strong and continuing support for the efforts of the people of Moldova to establish full democracy, including the rule of law and respect for human rights;

(6) urges the Government of Moldova to meet its commitments to the Organization for Security and Co-operation in Europe (OSCE) for the holding of democratic elections;

(7) urges the Government of Moldova to ensure—

(A) the full transparency of election procedures before, during, and after the parliamentary elections scheduled to be held on March 6, 2005;

(B) the right to vote for all citizens of Moldova;

(C) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a nondiscriminatory basis; and

(D) the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation; and

(8) pledges its enduring support and assistance to the people of Moldova for the establishment of a fully free and open democratic system that is free from coercion, the creation of a prosperous free market economy, the establishment of a secure independence, and Moldova's assumption of its rightful place as a full and equal member of the Western community of democracies.

S. RES. 61

Whereas the National Ready Mixed Concrete Association was founded and incorporated in the Commonwealth of Pennsylvania on the 26th day of December, 1930;

Whereas the founders of the National Ready Mixed Concrete Association possessed the leadership and vision to establish a single voice for the ready mixed concrete industry;

Whereas the National Ready Mixed Concrete Association represents and acts on behalf of the industry before all divisions of government and those public and private organizations whose work affects the ready mixed concrete business;

Whereas the National Ready Mixed Concrete Association has been a pioneer in the field of concrete technology through groundbreaking research and advanced scientific methods in the practical use and applications of ready mixed concrete;

Whereas the National Ready Mixed Concrete Association has gained national distinction by developing innovative breakthroughs in engineering, aggressive market promotion, and its contribution toward the creation of the first undergraduate degree in concrete industry management in the United States;

Whereas the National Ready Mixed Concrete Association leads the concrete industry through its education and certification programs;

Whereas the National Ready Mixed Concrete Association today represents 1,300 producer member companies, both national and multinational, that employ thousands of workers and operate in every congressional district in the United States;

Whereas the National Ready Mixed Concrete Association continues today to assist producers in the ready mixed concrete community through the introduction of innovative safety procedures, modern health initiatives, and progressive environmental control programs in an effort to enhance the performance level of the industry; and

Whereas the National Ready Mixed Concrete Association will continue to look toward the future by forging alliances within the ready mixed community, and by becoming more educated in business operations and more knowledgeable about the product and the role of ready mixed concrete in the construction and building of the United States: Now, therefore, be it

Resolved, that the Senate—

(1) congratulates the National Ready Mixed Concrete Association for its 75 year history and its contributions to the construction of the infrastructure of the United States, including homes, buildings, bridges, and highways;

(2) recognizes that the National Ready Mixed Concrete Association has been and will continue to be an invaluable asset in developing the history and character of the United States; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the National Ready Mixed Concrete Association as an expression of appreciation and for public display at the National Ready Mixed Concrete Association's 2005 national convention.

Mr. INHOFE. Mr. President, it is my honor to submit today a resolution congratulating the National Ready Mixed Concrete Association on reaching a historic milestone—its 75th anniversary. The NRMCA entered this world in 1930 when the Nation was facing some trying times. The country was suffering from a deep economic depression and midwestern farmers were struggling through a drought. Still, many people were flocking to the movies to see ''All Quiet on the Western Front'' and ''Cimarron,'' which went on to win the Academy Award for best picture. Golfer Bobby Jones won both the British Open and the U.S. Open and in Pennsylvania, a group of men met to officially form the National Ready Mixed Concrete Association.

The founders of the NRMCA wanted to establish a single voice for the ready mixed concrete industry to represent the industry before all levels of government. They wanted the NRMCA to set product quality standards for the entire ready mixed concrete industry, without governmental intervention or mandates.

If you were to ask the founders today about the progress of their National Ready Mixed Concrete Association, I am certain the founders would be proud of the association's accomplishments and the quality of the ongoing work.

While the National Ready Mixed Concrete Association continues to represent the ready mixed industry, it has also become the leader in the practical use and applications of ready mixed concrete, a pioneer in the development and implementation of its education and certification programs, and a strong hand reaching out to ready mixed concrete State associations, ready mixed producers, and other members across the country.

In my State, the Oklahoma Ready Mixed Concrete Association has a close working relationship with the NRMCA. These benefits can be felt across the State as the use of ready mixed concrete continues to increase. In the latest data, Oklahoma ready mixed production hit 5,440,000 cubic yards by the end of 2003. That is an increase of more than 1 million cubic yards from just 7 years earlier when ready mixed concrete production was at 4,206,000 cubic yards.

The growing use of ready mixed concrete has spurred a host of new ready mixed concrete companies and businesses in the State and made the ones already in existence even stronger. People in Oklahoma know some of the names of the ready mixed companies just by the names on the side of the concrete trucks traveling on the roads and highways. Familiar names include:

Adair: Arkhola Sand & Gravel Co., Stillwell, OK; Twin Cities Ready Mix, Inc., Tahlequah, OK.

Alfalfa: Alva Concrete, Alva, OK; Dolese Bros. Co., Enid, OK; Enid Concrete Co., Inc., Enid, OK; Kimball/Fairview Ready Mix, Inc., Fairview, OK.

Atoka: Harold's Redi Mix, Lehigh, OK; Joe Brown Co., Inc., Atoka, OK; Rustin Concrete Company, Atoka, OK; Twin Cities Ready Mix, Inc., McAlester, OK.

Beckham: Dolese Bros. Co., Elk City, OK.

Blaine: B & W Ready Mix, Inc., Watonga/Okeene, OK; Ogle Ready Mix, Inc., Kingfisher, OK.

Bryan: Dolese Bros. Co., Durant, OK; Rustin Concrete Company, Durant, OK.

Caddo: Atlas-Tuck Concrete, Inc., Chickasha, OK; Carnegie Concrete Company, Carnegie, OK; Dolese Bros. Co., Anadarko, OK.

Canadian: Atlas-Tuck Concrete, Inc., Tuttle, OK; Dolese Bros. Co., El Reno/Piedmont/Yukon, OK; Ensey Concrete & Construction, Okahoma City, OK; Ogle ReadyMix, Inc., Kingfisher, OK; Schwarz Ready Mix, Inc., El Reno, OK—Yukon, OK—Piedmont, OK; Sooner Ready Mix, LLC, Oklahoma City, OK.

Carter: Day Concrete & Block Company, Ardmore, OK; Dolese Bros. Co., Ardmore, OK.

Cherokee: Arkhola Sand & Gravel Co., Tahlequah, OK; Twin Cities Ready Mix, Inc., Tahlequah, OK—Muskogee.

Choctaw: Rustin Concrete Company, Hugo, OK.

Cleveland: Atlas-Tuck Concrete, Inc., Tuttle, OK; Dolese Bros. Co., Moore/Norman, OK; Ensey Concrete & Construction, Oklahoma City, OK; Perma Ready Mix, Newalla, OK; Schwarz Ready Mix, Inc., Norman, OK; Sooner Ready Mix, LLC, Oklahoma City, OK.

Coal: Harold's Redi Mix, Lehigh, OK; Jennings Stone Co., Inc., Ada, OK; Dolese Bros. Co., Ada, OK; Rustin Concrete Company, Atoka, OK; Twin Cities Ready Mix, Inc., McAlester, OK.

Comanche: Atlas-Tuck Concrete, Inc., Cache/Lawton, OK; Lawton Transit Mix, Inc., Lawton, OK; Southwest Ready Mix, Lawton, OK.

Cotton: Atlas-Tuck Concrete, Inc., Duncan—Duncan, Cache/Lawton, OK; Dolese Bros. Co., Duncan, OK; Lawton Transit Mix, Inc., Lawton, OK; Southwest Ready Mix Lawton, OK.

Craig: Rainbow Concrete Company, Div. APAC–Okla., Inc., Vinita, OK.

Creek: Rainbow Concrete Company, Div. APAC–Okla., Inc., Tulsa, OK; Twin Cities Ready Mix, Inc., Tulsa, OK.

Custer: Dolese Bros. Co., Clinton, OK—Weatherford, OK.

Delaware: Rainbow Concrete Company, Div. APAC–Okla., Inc., Grove, OK; NEO Concrete & Materials (DBA Green Country Concrete), Grove, OK; Twin Cities Ready Mix, Inc., Tahlequah, OK.

Dewey: Kimball Ready Mix, Inc., Seiling, OK.

Garfield: Dolese Bros. Co., Enid, OK; Enid Concrete Co., Inc., Enid, OK.

Garvin: L.A. Jacobson, Inc., Pauls Valley, OK—Lindsay, OK; Wynnewood, OK.

Grady: Atlas-Tuck Concrete, Inc., Chickasha, OK—Tuttle, OK; Dolese Bros. Co., Chickasha, OK; Sooner Ready Mix, LLC, Oklahoma City, OK; Schwarz Ready Mix, Inc., Tuttle, OK.

Grant: Dolese Bros. Co., Enid, OK; Enid Concrete Co., Inc., Enid, OK; PC Concrete Company, Inc., Ponca City, OK.

Greer: Altus Ready Mix, Altus/Hobart, OK; Southwest Ready Mix, Altus, OK.

Harmon: Altus Ready Mix, Altus, OK; Southwest Ready Mix, Altus, OK.

Haskell: Arkhola Sand & Gravel Co., Webbers Falls, OK; Twin Cities Ready Mix, Inc., McAlester—Stigler, OK; Wilburton, OK.

Hughes: Van Eaton Ready Mix, Holdenville, OK.

Jackson: Altus Ready Mix, Altus, OK; Southwest Ready Mix, Altus, OK.

Jefferson: Dolese Bros. Co., Waurika, OK.

Johnston: Jennings Stone Co., Inc., Ada, OK; Dolese Bros. Co., Tishomingo, OK.

Kay: PC Concrete Company, Inc., Ponca City, OK.

Kingfisher: Ogle Ready Mix, Inc., Kingfisher, OK; Schwarz Ready Mix, Inc., Okarche, OK.

Kiowa: Carnegie Concrete Company, Carnegie, OK; Altus Ready Mix, Altus/Hobart, OK.

Latimer: Twin Cities Ready Mix, Inc., McAlester—Wilburton, OK; Poteau—Stigler, OK.

Leflore: Twin Cities Ready Mix, Inc., Poteau, OK—Stigler, OK; Wilburton, OK.

Lincoln: Dolese Bros. Co., Stillwater, OK; Kerns Ready Mixed Concrete, Stillwater, OK; Perma Ready Mix, Newalla, OK; Stillwater Concrete & Materials, Inc., Stillwater, OK; Block Sand Company, McLoud, OK; Dolese Bros. Co., Shawnee, OK; Van Eaton Ready Mix, Shawnee, OK.

Logan: Dolese Bros. Co., Guthrie, OK; Ogle Ready Mix, Inc.

Love: Dolese Bros. Co., Marietta, OK.

Major: Kimball Ready Mix, Inc., Fairview, OK.

Marshall: Dolese Bros. Co., Madill, OK; Rustin Concrete Company Madill, OK.

Mayes: Kemp Stone Company, Inc., Pryor, OK; Mayes County Petroleum Pryor, OK; Rainbow Concrete Company, Div. APAC–Okla., Inc., Pryor, OK; Twin Cities Ready Mix, Inc., Tahlequah—Tulsa, OK.

McClain: Atlas-Tuck Concrete, Inc., Newcastle, OK; Dolese Bros. Co., Newcastle, OK; Dolese Bros. Co., Blanchard, OK; L.A. Jacobson, Inc., Purcell, OK; Sooner Ready Mix, LLC, Oklahoma City, OK.

McCurtain: Rustin Concrete Company, Broken Bow, OK—Idabel, OK, Valliant, OK.

McIntosh: Foresee Ready Mix Concrete, Eufaula, OK—Checotah, OK; Twin Cities Ready Mix, Inc., McAlester—Muskogee, OK, Stigler, OK.

Murray: Dolese Bros. Co., Davis, OK—Sulphur, OK.

Muskogee: Arkhola Sand & Gravel Co., Webbers Falls, OK; Twin Cities Ready Mix, Inc., Muskogee, OK—Tahlequah Tulsa, OK.

Noble: Perry Ready Mix, Inc., Perry, OK.

Nowata: Bartlesville Redi-Mix, Inc., Bartlesville, OK; Rainbow Concrete Company, Div. APAC–Okla., Inc., Vinita, OK.

Okfuskee: Van Eaton Ready Mix, Holdenville, OK.

Oklahoma: Atlas-Tuck Concrete, Inc., Tuttle, OK; Dolese Bros. Co., Oklahoma City/Edmond/Midwest City, OK; Ensey Concrete & Construction, Oklahoma City/Midwest City, OK; Goddard Ready Mixed Concrete, Oklahoma City/Choctaw/Midwest City, OK; Perma Ready Mix, Newalla, OK; Schwarz Ready Mix, Inc., Oklahoma City, OK—Edmond, OK; Sooner Ready Mix, LLC, Oklahoma City, OK.

Okmulgee: Okmulgee Ready Mix Concrete Co., Twin Cities Ready Mix, Tulsa, OK.

Osage: Bartlesville Redi-Mix, Inc., Bartlesville, OK; Black Gold Concrete Skiatook, OK; Twin Cities Ready Mix, Inc., Tulsa, OK.

Ottawa: NEO Concrete & Materials (DBA Miami Concrete), Miami, OK; NEO Concrete & Materials (DBA Fairland Ready Mix), Fairland, OK.

Pawnee: Perry Ready Mix, Inc., Perry, OK.

Payne: Dolese Bros. Co., Stillwater, OK; Kerns Ready Mixed Concrete, Stillwater, OK.

Pittsburg: Dolese Bros. Co., McAlester, OK; Twin Cities Ready Mix, Inc., McAlester, OK–Wilburton, OK.

Pontotoc: Jennings Stone Co., Inc., Ada, OK; Dolese Bros. Co., Ada, OK; L.A. Jacobson, Inc., Stratford, OK.

Pottawatomie: Block Sand Company, McLoud, OK; Ensey Concrete & Construction, Dolese Bros. Co., Shawnee, OK; Perma Ready Mix, Newalla, OK; Van Eaton Ready Mix, Inc., Shawnee, OK.

Pushmataha: Rustin Concrete Company, Antlers, OK; Twin Cities Ready Mix, Inc., McAlester, OK–Wilburton, OK.

Roger Mills: Dolese Bros. Co., Elk City, OK.

Rogers: A & M Concrete, Inc., Catoosa, OK; Black Gold Concrete, Skiatook, OK; Rainbow Concrete Company, Div. APAC-Okla., Inc., Collinsville, OK; Twin Cities Ready Mix, Inc., Tulsa, OK.

Seminole: Dolese Bros. Co., Seminole, OK.

Sequouah: Arkhola Sand & Gravel Co., Sallisaw, OK; Twin Cities Ready Mix, Inc., Muskogee, OK–Tahlequah, Poteau, OK.

Stephens: Atlas-Tuck Concrete Co., Inc., Duncan/Marlow, OK; Dolese Bros. Co., Duncan, OK.

Tillman: Atlas-Tuck Concrete Co., Inc., Frederick, OK.

Tulsa: Black Gold Concrete, Skiatook, OK; J & J Sand Co., Broken Arrow, OK; Rainbow Concrete Company, Div. APAC-Okla., Inc., Tulsa/Bixby, OK; Twin Cities Ready Mix, Inc., Tulsa, OK; Viking Concrete Company, Broken Arrow, OK.

Wagoner: A & M Concrete, Inc., Catoosa, OK; Greenhill Materials, Catoosa, OK; Ark River Sand of Oklahoma, Coweta, OK; Twin Cities Ready Mix, Inc., Muskogee, OK–Tahlequah, Tulsa, OK.

Washington: Bartlesville Redi-Mix, Inc., Bartlesville, OK; Black Gold Concrete, Skiatook, OK; Twin Cities Ready Mix, Inc., Tulsa, OK.

Washita: Carnegie Concrete Company, Carnegie, OK; Dolese Bros. Co., Cordell, OK.

Woods: Alva Concrete Alva, OK.

Producer members of the Oklahoma Ready Mixed Concrete Association include: A & M Concrete, Inc.; Altus Ready-Mix, Inc.; Alva Concrete; Arkhola Sand & Gravel Co.; Atlas-Tuck Concrete, Inc.; B & W Ready Mix, L.L.C.; Bartlesville Redi-Mix, Inc.; Black Gold Concrete; Block Sand Company, Inc.; Carnegie Concrete Company; Day Concrete & Block Co.; Dolese Bros. Co.; Enid Concrete Company; Foresee Ready Mix Concrete, Inc.; Goddard Concrete Co., Inc.; Jennings Stone Co., Inc.; Kerns Ready Mixed Concrete, Inc.; Kimball Ready Mix, Inc.; L.A. Jacobson, Inc.; Lawton Transit Mix, Inc.; NEO Concrete & Materials, Inc.; DBA Fairland Ready-Mix; NEO Concrete & Materials, Inc.; DBA Green Country Concrete; NEO Concrete & Materials, Inc.; DBA Miami Concrete; Ogle Ready Mix, Inc.; Okmulgee Ready Mix Concrete Co.; PC Concrete Company, Inc.; Perma Ready Mix; Perry Ready-Mix, Inc.; Rustin Concrete Company; Schwarz Ready Mix, Inc.; Sooner Ready Mix, L.L.C.; Southwest Ready Mix; Stillwater Concrete & Materials, Inc.; Twin Cities Ready Mix, Inc.; Van Eaton Ready Mix, Inc.

In fact, these ready mixed concrete companies operating in the State today help Oklahoma grow.

All along, the National Ready Mixed Concrete Association has been in the forefront serving as a single voice for the industry.

I have had a close relationship with the National Ready Mixed Concrete Association ever since I was elected to Congress in 1986. It is in this spirit that I offer this resolution congratulating the National Ready Mixed Concrete Association on its 75th anniversary.

S. RES. 62

Whereas Rotary International, founded on February 23, 1905, in Chicago, Illinois, is the world's first service club and 1 of the largest nonprofit service organizations;

Whereas there are more than 1.2 million Rotary International club members comprised of professional and business leaders in more than 31,000 clubs in more than 165 countries;

Whereas the Rotary International motto, ''Service Above Self'', inspires members to provide humanitarian service, meet high ethical standards, and promote international good will;

Whereas Rotary International funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries;

Whereas in 1985, Rotary International launched Polio Plus and spearheaded efforts with the World Health Organization, Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio;

Whereas polio cases have dropped by 99 percent since 1988, and the world now stands on the threshold of eradicating the disease;

Whereas Rotary International is the largest privately-funded source of international scholarships in the world and promotes international understanding through scholarships, exchange programs, and humanitarian grants;

Whereas since 1947, more than 35,000 students from 110 countries have studied abroad as Rotary Ambassadorial Scholars;

Whereas Rotary International's Group Study Exchange program has helped more than 46,000 young professionals explore career fields in other countries;

Whereas 8,000 secondary school students each year experience life in another country through Rotary International's Youth Exchange Program;

Whereas over the past 5 years, members of Rotary International in all 50 States have

hosted participants in Open World, a program sponsored by the Library of Congress, and therefore have earned the honor of serving as Open World's most outstanding host;

Whereas there are approximately 400,000 Rotary International club members in more than 7,700 clubs throughout the United States sponsoring service projects to address critical issues such as poverty, health, hunger, illiteracy, and the environment in their local communities and abroad; and

Whereas February 23, 2005, would be an appropriate date on which to observe Rotary International Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a ''Rotary International Day'' to celebrate the centennial anniversary of Rotary International; and

(2) recognizes Rotary International for 100 years of service to improving the human condition in communities throughout the world.

Mr. DURBIN. Mr. President, I offer this resolution, S. Res. 62, celebrating and honoring Rotary International on the occasion of its centennial anniversary. I am pleased to have Senator STEVENS and Senator OBAMA join me in submitting this resolution.

From a small gathering of friends in Chicago on February 23, 1905, Rotary International has grown to become one of the largest non-profit service organizations in the world. There are approximately 400,000 Rotarians in the United States, and 1.2 million members worldwide.

Rotarians have undertaken countless projects, large and small, to improve the well-being of communities around the world. They have promoted international exchange and learning as a means of building goodwill and understanding between nations.

In 1985, Rotary International began working with the U.S. Centers for Disease Control and Prevention, the World Health Organization, and UNICEF toward a bold goal: to eliminate polio from the earth.

Since then, Rotarians have contributed over half a billion dollars toward the global effort to eradicate polio, and their dedication and commitment is paying off. Since 1988, the number of polio cases in the world has dropped by 99 percent. The world now stands on the threshold of eradicating the disease.

Winston Churchill reminded us, ''We make a living by what we get, we make a life by what we give.'' With this resolution, we honor the century of service that the men and women of Rotary International have given. I look forward to continuing to work with them in the years ahead.

S. RES. 63

Whereas on February 14, 2005, Rafiq Hariri, the former Prime Minister of Lebanon, was assassinated in a despicable terrorist attack;

Whereas the car bomb used in the assassination killed 16 others and injured more than 100 people;

Whereas the intent of the terrorists who carried out the assassination was to intimidate the Lebanese people and push Lebanon backward toward chaos;

Whereas Rafiq Hariri served as Prime Minister of Lebanon for a total of 10 years since the end of the Lebanese war in 1991;

Whereas Rafiq Hariri helped revitalize the economy of Lebanon and rebuild its shattered infrastructure and pioneered and directed the rebirth of Beirut's historic downtown district;

Whereas Rafiq Hariri stepped down as Prime Minister on October 20, 2004;

Whereas Syria maintains at least 14,000 troops and a large number of intelligence personnel in Lebanon;

Whereas there is widespread opposition in Lebanon to the continuing Syrian presence in Lebanon;

Whereas the United Nations Security Council issued a Presidential Statement (February 15, 2005) condemning the terrorist bombing that killed Rafiq Hariri and calling on ''the Lebanese Government to bring to justice the perpetrators, organizers and sponsors of this heinous terrorist act'';

Whereas United Nations Security Council Resolution 1559 (September 2, 2004) calls for the political independence and sovereignty of Lebanon, the withdrawal of foreign forces from Lebanon, and the disarmament of all militias in Lebanon;

Whereas Syria is the main supporter of the terrorist group Hezbollah, the only significant remaining armed militia in Lebanon;

Whereas Hezbollah supports Palestinian terrorist groups and poses a threat to the prospects for peace in the Middle East;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) was enacted into law on December 12, 2003; and

Whereas the President has recalled the United States Ambassador to Syria for urgent consultations: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the cowardly and despicable assassination of Rafiq Hariri, the former Prime Minister of Lebanon;

(2) extends condolences to Prime Minister Hariri's family and the people of Lebanon;

(3) supports United Nations Security Council Resolution 1559 (September 2, 2004), which calls for the withdrawal of all foreign forces from Lebanon;

(4) urges the President to seek a United Nations Security Council resolution that establishes an independent investigation into the assassination;

(5) urges the President to consider imposing sanctions under the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note); and

(6) supports the call of the Lebanese people for an end to Syria's presence in Lebanon, and for free and fair elections monitored by international observers.

Mr. BIDEN. Mr. President, my resolution, S. Res. 63, calls for an international investigation into Monday's assassination of Prime Minister Rafiq Hariri of Lebanon. The resolution also urges the President to take steps to pressure Syria to leave Lebanon.

I am pleased that Senators LUGAR, REID, LEVIN, DODD, CORZINE, ALLEN, and CHAFEE have joined in co-sponsoring this resolution.

The despicable murder of Rafiq Hariri has deprived Lebanon of a dedicated and effective leader.

It also is an attempt at intimidating the Lebanese people and pushing the country backward toward chaos. It must not succeed.

In Lebanon and beyond, many suspect that Syria is responsible. That's understandable—Syria has an extensive intelligence and military presence in Lebanon, its opposition to Hariri is well known, and it continues to play a destabilizing role in Lebanese affairs.

Syria must get out of Lebanon—now.

Prime Minister Hariri's emergence as an opponent to Syrian meddling in Lebanon was seen as a serious threat in Damascus. The fact that he was a Muslim holding such opinions was even more problematic, as this reflects the spread of anti-Syrian sentiment in recent years beyond the Maronite Christian community.

Cooperation across confessional lines in Lebanon complicates the ability of Syria to maintain its grip over Lebanese affairs.

That is why Syria forced Prime Minister Hariri to resign last October. And that is why Syria, through its Lebanese allies, had been trying to dilute Hariri's influence by redrawing electoral districts ahead of parliamentary elections due later this Spring.

The resolution I have introduced condemns the assassination, extends condolences to Mr. Hariri's family and the Lebanese people; it demands that Syria immediately withdraw its troops and intelligence personnel from Lebanon; it urges the President ask the United Nations Security Council to go beyond Tuesday's statement condemning the assassination by passing a resolution establishing an independent investigation.

I would add parenthetically that many in Lebanon are skeptical of an investigation that would be carried out by a government they perceive as taking its orders from Syria.

The resolution urges the President to consider imposing additional sanctions under the Syria Accountability Act.

Finally, it supports the call of the Lebanese people for an end to Syria's presence in Lebanon, and for free and fair elections for parliament this Spring monitored by international observers.

Mr. President, I'd like to add a word about what this resolution does not do. It does not in any way, shape, or form even hint at supporting the use of force against Syria.

I think it is important to state that clearly, given the mistrust of many in Congress over the administration's intentions after the mishandling of Iraq.

The intent of this resolution is to encourage the President to work with the international community to investigate the assassination and to use diplomatic pressure for Syria to leave Lebanon.

In fact, this tragic incident offers an opportunity to work closely with France. It was French-U.S. cooperation which resulted in the passage of a United Nations Security Council resolution last September calling for the

withdrawal of all foreign forces from Lebanon. And just yesterday President Chirac made a personal visit to Lebanon to console Hariri's family. I commend him for this important gesture.

I urge President Bush to use his meeting with President Chirac on Monday to coordinate the next diplomatic steps.

If France were to recall its Ambassador to Syria, the rest of Europe would follow France's lead. If France and the United States together called for a United Nations Security Council resolution to establish an independent investigation, I believe such a resolution would pass. Such cooperation would send a signal more powerful to the Syrians than any unilateral U.S. moves.

Given the lingering mistrust between Europe and the U.S. over Iraq, France may at first be hesitant. That is why I believe President Bush should engage personally with President Chirac to develop a joint diplomatic strategy and to dispel any apprehensions about our intentions.

Mr. President, Rafiq Hariri's assassination was about more than the murder of one leader. It was an attempt to kill the hopes and aspirations for freedom in Lebanon.

There are those who argue that we have no national interest in the independence of Lebanon. Given our bitter experiences in Lebanon, I can understand their apprehensions. But I disagree that we have no interest in Lebanese independence.

The Syrian presence in Lebanon enables the terrorist group Hezbollah to continue to operate as the only significant armed militia 14 years after the end of the Lebanese civil war. Hezbollah enables Syrian and Iranian hardliners to try and derail renewed hopes for Israeli-Palestinian peace. Based on my recent meetings with Israeli and Palestinian leaders, it is clear that Hezbollah, through its support for Palestinian terrorist groups, is seen as a significant threat to a fragile peace process.

That is why I believe we do have an important interest in diminishing Syria's involvement in Lebanon.

At this moment, it is essential that the forces of terror hear a unified voice from the civilized world. They must not be seen as succeeding, lest they are emboldened to take even more aggressive action in other arenas. Instead, Monday's attack must be seen as a decisive setback for Syria and its allies.

I urge the President and the Secretary of State to act quickly on the recommendations offered in this resolution.

Rafiq Hariri's death must not be in vain, and the Lebanese people whom he served deserve answers—and action.

Let us hope that this barbarous murder marks the beginning of the end of Syria's presence and interference in Lebanon.

I yield the floor.

DESIGNATING THE YEAR 2005 ''THE YEAR OF FOREIGN LANGUAGE STUDY''

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 28 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 28) designating the year 2005 ''The Year of Foreign Language Study.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD, with no intervening action.

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

The resolution (S. Res. 28) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 28

Whereas according to the 2000 decennial census of the population, 9.3 percent of Americans speak both their native language and another language fluently;

Whereas according to the European Commission Directorate General for Education and Culture, 52.7 percent of Europeans speak both their native language and another language fluently;

Whereas the Elementary and Secondary Education Act of 1965 names foreign language study as part of a core curriculum that includes English, mathematics, science, civics, economics, arts, history, and geography;

Whereas according to the Joint Center for International Language, foreign language study increases a student's cognitive and critical thinking abilities;

Whereas according to the American Council on the Teaching of Foreign Languages, foreign language study increases a student's ability to compare and contrast cultural concepts;

Whereas according to a 1992 report by the College Entrance Examination Board, students with 4 or more years in foreign language study scored higher on the verbal section of the Scholastic Aptitude Test (SAT) than students who did not;

Whereas the Higher Education Act of 1965 labels foreign language study as vital to secure the future economic welfare of the United States in a growing international economy;

Whereas the Higher Education Act of 1965 recommends encouraging businesses and foreign language study programs to work in a mutually productive relationship which benefits the Nation's future economic interest;

Whereas according to the Centers for International Business Education and Research program, foreign language study provides the ability both to gain a comprehensive understanding of and to interact with the cultures of United States trading partners, and thus establishes a solid foundation for successful economic relationships;

Whereas Report 107–592 of the Permanent Select Committee on Intelligence of the House of Representatives concludes that American multinational corporations and nongovernmental organizations do not have the people with the foreign language abilities and cultural exposure that are needed;

Whereas the 2001 Hart-Rudman Report on National Security in the 21st Century names foreign language study and requisite knowledge in languages as vital for the Federal Government to meet 21st century security challenges properly and effectively;

Whereas the American intelligence community stresses that individuals with proper foreign language expertise are greatly needed to work on important national security and foreign policy issues, especially in light of the terrorist attacks on September 11, 2001;

Whereas a 1998 study conducted by the National Foreign Language Center concludes that inadequate resources existed for the development, publication, distribution, and teaching of critical foreign languages (such as Arabic, Vietnamese, and Thai) because of low student enrollment in the United States; and

Whereas a shortfall of experts in foreign languages has seriously hampered information gathering and analysis within the American intelligence community as demonstrated by the 2000 Cox Commission noting shortfalls in Chinese proficiency, and the National Intelligence Council citing deficiencies in Central Eurasian, East Asian, and Middle Eastern languages: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that foreign language study makes important contributions to a student's cognitive development, our national economy, and our national security;

(2) the Senate—

(A) designates the year 2005 as the ''Year of Foreign Language Study'', during which foreign language study is promoted and expanded in elementary schools, secondary schools, institutions of higher learning, businesses, and government programs; and

(B) requests that the President issue a proclamation calling upon the people of the United States to—

(i) encourage and support initiatives to promote and expand the study of foreign languages; and

(ii) observe the ''Year of Foreign Language Study'' with appropriate ceremonies, programs, and other activities.

DESIGNATING THE ROBERT T. MATSUI UNITED STATES COURTHOUSE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 7, S. 125.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 125) to designate the United States courthouse located at 501 I Street in Sacramento, California, as the Robert T. Matsui United States Courthouse.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD, all without further intervening action or debate.

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

The bill (S. 125) was read the third time and passed, as follows:

S. 125

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 located at 501 I Street in Sacramento, California, shall be known and designated as the ''Robert T. Matsui 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 ''Robert T. Matsui United States Courthouse''.

AUTHORITY TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the senior Senator from Virginia and the junior Senator from Virginia be authorized to sign duly enrolled bills and joint resolutions.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on Wednesday, February 23, from 10 a.m. to 12 noon.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 20, 2004, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 109th Congress: Senator TED STEVENS of Alaska, President Pro Tempore; Senator THAD COCHRAN of Mississippi, Majority Co-Chairman; Senator JOHN KYL of Arizona, Majority Co-Chairman; Senator RICHARD LUGAR of Indiana; Senator JOHN WARNER of Virginia; Senator JEFF SESSIONS of Alabama; Senator TRENT LOTT of Mississippi, Majority Co-Chairman; Senator GORDON SMITH of Oregon; and Senator LINCOLN CHAFEE of Rhode Island.

The Chair, on behalf of the Majority Leader, pursuant to Section 154 of Public Law 108–199, appoints the following Senator as Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 109th Congress: the Honorable TRENT LOTT of Mississippi.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senator as Chairman of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the 109th Congress: the Honorable MICHAEL D. CRAPO of Idaho.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senator as Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 109th Congress: the Honorable GORDON H. SMITH of Oregon.

MEASURE READ THE FIRST TIME—H.R. 310

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 310) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes.

Mr. FRIST. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive a second reading on the next legislative day.

MEASURES PLACED ON THE CALENDAR—S. 397 AND S. 403

Mr. FRIST. Mr. President, I understand there are two bills at the desk and due for their second readings. I ask unanimous consent that the clerk read the titles of the bills for a second time en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the titles of the bills for a second time.

The assistant legislative clerk read as follows:

A bill (S. 397) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

A bill (S. 403) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

Mr. FRIST. Mr. President, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection has been heard. The bills will be placed on the Senate calendar.

AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 5, S. Res. 50, the committee funding resolution.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 50) authorizing expenditures by committees of the Senate for the periods March 1, 2005, through September 30, 2005, October 1, 2005, through September 30, 2006, and October 1, 2006, through February 28, 2007.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 50) was agreed to, as follows:

S. RES. 50

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2005, through September 30, 2005, in the aggregate of $52,563,753, for the period October 1, 2005, through September 30, 2006, in the aggregate of $92,292,337, and for the period October 1, 2006, through February 28, 2007, in the aggregate of $39,287,233, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2005, through September 30, 2005, for the period October 1, 2005, through September 30, 2006, and for the period October 1, 2006, through February 28, 2007, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $2,090,901, of which amount—

(1) not to exceed $150,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $3,670,623, of which amount—

(1) not to exceed $150,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $1,562,289, of which amount—

(1) not to exceed $150,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,859,485, of which amount—

(1) not to exceed $80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $6,778,457, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,886,176, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,196,078, of which amount—

(1) not to exceed $12,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,611,167, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,388,363, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,367,870, of which amount—

(1) not to exceed $35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $21,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,915,179, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $36,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006,

through February 28, 2007, expenses of the committee under this section shall not exceed $2,518,660, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,463,046, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $6,080,372, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,588,267, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $2,923,302.

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,133,032.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,185,132.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $2,696,689, of which amount—

(1) not to exceed $4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $4,732,998, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,014,046, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,765,508, of which amount—

(1) not to exceed $17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $6,610,598, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,813,662, of which amount—

(1) not to exceed $12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such

rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,095,171, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,434,387, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,313,266, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $5,112,891, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $8,977,796, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $3,821,870, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular

branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2005, through February 28, 2007, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66, agreed to February 26, 2003 (108th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $4,545,576, of which amount—

(1) not to exceed $32,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $7,981,411, of which amount—

(1) not to exceed $32,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $3,397,620, of which amount—

(1) not to exceed $32,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $4,946,007, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $8,686,896, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $3,698,827, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,383,997, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $6,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $2,431,002, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $1,035,189, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,302,943, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $2,286,820, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $973,120, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,193,865, of which amount—

(1) not to exceed $59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,900, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $2,096,382, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $892,457, of which amount—

(1) not to exceed $42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,445,446, of which amount—

(1) not to exceed $117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $2,537,525, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $1,080,025, of which amount—

(1) not to exceed $85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445 (105th Congress), in accordance with its jurisdiction under section 3(a) of that resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of that resolution, the Select Committee on Intelligence is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,050,594, of which amount—

(1) not to exceed $32,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,834, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,355,503, of which amount—

(1) not to exceed $55,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,279,493, of which amount—

(1) not to exceed $22,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,166, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,124,384, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $1,972,189, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $838,771, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account ''Expenses of Inquiries and Investigations'' appropriated by the legislative branch appropriation Acts for fiscal years 2005, 2006, and 2007, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $4,375,000, shall be available for the period March 1, 2005, through September 30, 2005; and

(2) an amount not to exceed $7,500,000, shall be available for the period October 1, 2005, through September 30, 2006; and

(3) an amount not to exceed $3,125,000, shall be available for the period October 1, 2006, through February 28, 2007.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1) and (2) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

ORDERS FOR FRIDAY, FEBRUARY 18, 2005, AND MONDAY, FEBRUARY 28, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Friday, February 18. 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 Senator BURR then be recognized to deliver the Washington Farewell Address, as provided under the previous order; provided further that upon the conclusion of the Farewell Address, the Senate stand adjourned under the provisions of H. Con. Res. 66 until 2 p.m. on Monday, February 28; provided that when the Senate reconvenes on Monday, February 28, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to consideration of Calendar No. 14, S. 256, the bankruptcy reform bill, as provided under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning Senator BURR will carry out a long-held Senate tradition by reading George Washington's Farewell Address. I encourage those Members who have never witnessed this tradition to come to the floor tomorrow morning.

Immediately following the reading of the Farewell Address, the Senate will adjourn for the Presidents Day recess. When the Senate returns on Monday, February 28, we will begin consideration of the Bankruptcy Reform Act for debate only. The next rollcall vote will occur on Tuesday, March 1, and Members will be informed when that vote is scheduled. Again, I thank my colleagues for their hard work over the past few weeks and wish everyone a safe Presidents Day recess.

ADJOURNMENT UNTIL TOMORROW

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

There being no objection, the Senate, at 6:56 p.m., adjourned until Friday, February 18, 2005, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 17, 2005:

DEPARTMENT OF JUSTICE

ANTHONY JEROME JENKINS, OF VIRGIN ISLANDS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF THE VIRGIN ISLANDS FOR THE TERM OF FOUR YEARS, VICE JAMES ALLAN HURD, JR., RESIGNED.

STEPHEN JOSEPH MURPHY III, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE JEFFREY GILBERT COLLINS, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate: Thursday, February 17, 2005.

DEPARTMENT OF DEFENSE

BUDDIE J. PENN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL MARK W. ANDERSON
BRIGADIER GENERAL JOHN H. BORDELON, JR.
BRIGADIER GENERAL THOMAS L. CARTER
BRIGADIER GENERAL THOMAS A. DYCHES
BRIGADIER GENERAL MARTIN M. MAZICK
BRIGADIER GENERAL HOWARD A. MCMAHAN
BRIGADIER GENERAL JAMES M. SLUDER III

To be brigadier general

COLONEL ROGER A. BINDER
COLONEL ROBERT L. CHU
COLONEL DAVID L. COMMONS
COLONEL THOMAS R. COON
COLONEL BRUCE E. DAVIS
COLONEL MICHAEL C. DUDZIK
COLONEL ELIZABETH A. GROTE
COLONEL KEVIN F. HENABRAY
COLONEL JAMES F. JACKSON
COLONEL MIKE H. MCCLENDON
COLONEL BRIAN P. MEENAN
COLONEL JAMES L. MELIN
COLONEL MICHAEL B. NEWTON
COLONEL CARL M. SKINNER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KARL W. EIKENBERRY

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
BRIGADIER GENERAL WILLIAM D. CATTO
BRIGADIER GENERAL MICHAEL E. ENNIS
BRIGADIER GENERAL WALTER E. GASKIN, SR
BRIGADIER GENERAL TIMOTHY R. LARSEN
BRIGADIER GENERAL MICHAEL R. LEHNERT
BRIGADIER GENERAL DUANE D. THIESSEN
BRIGADIER GENERAL GEORGE J. TRAUTMAN III
BRIGADIER GENERAL WILLIE J. WILLIAMS
BRIGADIER GENERAL RICHARD C. ZILMER

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
COLONEL RAYMOND C. FOX
COLONEL ANTHONY M. HASLAM
COLONEL DAVID R. HEINZ
COLONEL STEVEN A. HUMMER
COLONEL ANTHONY L. JACKSON
COLONEL RICHARD M. LAKE
COLONEL ROBERT E. MILSTEAD, JR
COLONEL MICHAEL R. REGNER
COLONEL DAVID G. REIST
COLONEL MELVIN G. SPIESE
COLONEL JOHN E. WISSLER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. WILLIAM J. FALLON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES

NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. ROBERT F. WILLARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. JOHN B. NATHMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TERRANCE T. ETNYRE

IN THE AIR FORCE

AIR FORCE NOMINATION OF THOMAS S. HOFFMAN TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH HERBERT L. ALLEN, JR. AND ENDING WITH DALE A. JACKMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

AIR FORCE NOMINATION OF LESLIE G. MACRAE TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF OMAR BILLIGUE TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH CORBERT K. ELLISON AND ENDING WITH GISELLA Y. VELEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

AIR FORCE NOMINATION OF GRETCHEN M. ADAMS TO BE MAJOR.

AIR FORCE NOMINATION OF MICHAEL D. SHIRLEY, JR. TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH GERALD J. HUERTA AND ENDING WITH ANTHONY T. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

AIR FORCE NOMINATION OF MICHAEL F. LAMB TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH DEAN J. CUTILLAR AND ENDING WITH AN ZHU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

AIR FORCE NOMINATION OF JAMES D. SHAFFER TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS WILLIAM ACTON AND ENDING WITH DEBRA S. ZELENAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH BARBARA S. BLACK AND ENDING WITH VINCENT T. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATION OF GLENN T. LUNSFORD TO BE COLONEL.

AIR FORCE NOMINATION OF FREDERICK E. JACKSON TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT G. PATE AND ENDING WITH DWAYNE A. STICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATION OF KELLY E. NATION TO BE CAPTAIN.

AIR FORCE NOMINATIONS BEGINNING WITH LOURDES J. ALMONTE AND ENDING WITH ROBERT J. WEISENBERGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN F. AGEE AND ENDING WITH LUN S. YAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH MICHELLE D. ALLENMCCOY AND ENDING WITH ERIN BREE WIRTANEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES R. ABBOTT AND ENDING WITH AN ZHU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JOSEPH B. ANDERSON AND ENDING WITH KONDI WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFERY F. BAKER AND ENDING WITH DAVID L. WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH COREY R. ANDERSON AND ENDING WITH ETHAN J. YOZA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JANICE M. ALLISON AND ENDING WITH DANNY K. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATION OF ELOISE M. FULLER TO BE COLONEL.

IN THE ARMY

ARMY NOMINATION OF ROBERT A. LOVETT TO BE COLONEL.

ARMY NOMINATION OF MARTIN POFFENBERGER, JR. TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF TIMOTHY D. MITCHELL, JR. TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH WILLIAM F. BITHER AND ENDING WITH PAUL J. RAMSEY, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATION OF WILLIAM R. LAURENCE, JR. TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MEGAN K. MILLS AND ENDING WITH MARIA A. WORLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH TIMOTHY K. ADAMS AND ENDING WITH JOHN L. POPPE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH JOSEPH W. BURCKEL AND ENDING WITH FRANK J. MISKENA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATION OF FRANK J. MISKENA TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ROSA L. HOLLISBIRD AND ENDING WITH BETH A. ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH BRUCE A. MULKEY AND ENDING WITH JEROME F. STOLINSKI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATION OF MATTHEW R. SEGAL TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH CASANOVA C. OCHOA AND ENDING WITH CHARLES R. PLATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH KENNETH R. GREENE AND ENDING WITH WILLIAM F. ROY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH JAMES E. FERRANDO AND ENDING WITH TERRY R. SOPHER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH BILLY J. BLANKENSHIP AND ENDING WITH WILLIAM J. ONEILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH MARK E. COERS AND ENDING WITH RICHARD A. WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH JEFFREY T. ALTDORFER AND ENDING WITH JOSEPH E. ROONEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH DAVID C. BARNHILL AND ENDING WITH KENNETH B. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATION OF DAVID B. ENYEART TO BE COLONEL.

ARMY NOMINATION OF DAVID A. GREENWOOD TO BE COLONEL.

ARMY NOMINATION OF SANDRA W. DITTIG TO BE COLONEL.

ARMY NOMINATION OF JOHN M. OWINGS, JR. TO BE COLONEL.

ARMY NOMINATION OF DANIEL J. BUTLER TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH SCOTT W. ARNOLD AND ENDING WITH KEITH C. WELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH PAUL T. BARTONE AND ENDING WITH JEFFREY P. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH CYNTHIA A. CHAVEZ AND ENDING WITH JACLYNN A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH FRANCIS B. AUSBAND AND ENDING WITH SCOTT A. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH LORETTA A. ADAMS AND ENDING WITH CLARK H. WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH ROBERT D. AKERSON AND ENDING WITH BETH A. ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH PRISCILLA A. BERRY AND ENDING WITH CATHERINE E. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH GEORGE A. ABBOTT AND ENDING WITH DONALD R. ZOUFAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH JAN E. ALDYKIEWICZ AND ENDING WITH ROBERT A. YOH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JASON G. ADKINSON AND ENDING WITH JAMES B. ZIENTEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH JORGE E. CRISTOBAL AND ENDING WITH DONALD Q. FINCHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH RONALD C. CONSTANCE AND ENDING WITH JOEL F. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATION OF FREDERICK D. HYDEN TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF KATHY L. VELEZ TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF JOHN R. BARCLAY TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH MATTHEW J. CAFFREY AND ENDING WITH WILLIAM R. TIFFANY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH JEFF R. BAILEY AND ENDING WITH JULIO R. PIRIR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH JACOB D. LEIGHTY III AND ENDING WITH JOHN G. OLIVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH STEVEN M. DOTSON AND ENDING WITH CALVIN W. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH WILLIAM H. BARLOW AND ENDING WITH DANNY R. MORALES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH ANDREW E. GEPP AND ENDING WITH WILLIAM B. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH WILLIAM A. BURWELL AND ENDING WITH WILLIAM J. WADLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH KENRICK G. FOWLER AND ENDING WITH STEVEN E. SPROUT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH JAMES P. MILLER, JR. AND ENDING WITH MARC TARTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATION OF DAVID G. BOONE TO BE MAJOR.

MARINE CORPS NOMINATION OF MICHAEL A. LUJAN TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH MICHAEL A. MINK AND ENDING WITH LOUANN RICKLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN T. CURRAN AND ENDING WITH THOMAS J. JOHNSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

IN THE NAVY

NAVY NOMINATION OF STEVEN P. DAVITO TO BE CAPTAIN.

NAVY NOMINATION OF EDWARD S. WAGNER, JR. TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH SAMUEL ADAMS AND ENDING WITH RANDY J. VANROSSUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

NAVY NOMINATIONS BEGINNING WITH JASON K. BRANDT AND ENDING WITH RONALD L. WITHROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2005.

EXTENSIONS OF REMARKS

BLACK HISTORY TRIBUTE TO KATHARINE CARR-ESTERS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, throughout the month of February, I would like to recognize outstanding African Americans of the 2nd Congressional District of Mississippi, and their contribution to Black History. The 23 counties of the 2nd District are well represented from both a local and national perspective.

Americans have recognized black history annually since 1926, first as ''Negro History Week'' and later as ''Black History Month.'' In fact, black history had barely begun to be studied—or even documented—when the tradition originated. Although blacks have been in America as far back as colonial times, it was not until the 20th century that they gained a presence in our history books.

Though scarcely documented in history books, if at all, the crucial role African Americans have played in the development of our nation must not be overlooked.

I would like to recognize Ms. Katharine Carr-Esters of Attala County, Mississippi. Ms. Carr-Esters was born on April 9, 1928, to Mr. James William McKinley and Ms. Ida Presley Carr.

Ms. Carr-Esters has always played instrumental part in the movement toward equality in Attala County. She has dedicated her time and efforts to Focus.com (Founder), the Attala County Democratic Committee, the Heritage House Activity Center—organizations which benefit the community. Her community service has been recognized through the Dr. Martin Luther King, Jr. Image Award for Community Harmony, NAACP, Inc., the Attala Historical Society and the Black Service Unlimited. Because of her constant service and dedication to her community, the Katharine Carr Esters Group Home in Kosciusko, MS, and the Katharine Carr Ray Esters Group Home in Meridian, MS, was named in her honor. She was also named the Grand Marshall of the Kosciusko Christmas Parade in 2003.

I take great pride in recognizing and paying tribute to this outstanding African American of the 2nd Congressional District of Mississippi who deserves mention, not only in the month of February but year round.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2005 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, my colleagues Mr. MORAN of Virginia, Mr. WOLF, and I rise today to recognize an outstanding group of men and women in Northern Virginia. As many may know, the Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Fairfax County Fire and Rescue Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that are awarded to a public safety officer: The Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze medal of Valor. During the 27th Annual Awards Ceremony, 61 men and women from the Office of the Sheriff, Fire and Rescue Department, and the Police Department received one of the aforementioned honors for their bravery and heroism.

It is with great pride that we enter into the record the names of the recipients of the 2005 Valor Awards in the Fairfax County Fire and Rescue Department. Receiving the Bronze Medal: Hazardous Materials Technician Ronald G. Bauserman II; Captain I Steven D. Clark; Hazardous Materials Technician William L. Franklin; Firefighter Rudy Iturrino; the Lifesaving Award: Captain I John E. Hart; Technician Richard N. Mitchell; Captain I Gary D. Pemberton; Public Safety Communicator III Scott N. Pierpoint; Master Technician Virgil J. Weber Jr.; the Certificate of Valor: Volunteer Captain II Thomas K. Warnock.

Mr. Speaker, in closing, we would like to take this opportunity to thank all the men and women who serve in the Fairfax County Fire and Rescue Department. Their efforts, made on behalf of the citizens of the Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join me in applauding this group of remarkable citizens.

DEMOCRACY IN BURMA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of the suffering of the people of Burma. They continue their valiant struggle for human rights and democracy despite brutal human rights violations committed by the illegal ruling military regime.

In a few days, Burma's military regime will reconvene a sham ''National Convention'' under the guise of facilitating a transition to democracy in the country. In reality, the Convention is filled with handpicked delegates of the ruling regime. It is simply an attempt to legalize the regime's grip on power and guarantee the military's permanent role in the future of the country.

Why do I call the Convention a sham? Because the country's democracy movement, led by the world's only imprisoned Nobel Peace Prize recipient Aung San Suu Kyi, is not invited. Her political party, the National League for Democracy, is similar to the African National Congress in South Africa under apartheid rule in the 1980s and enjoys universal support from the people of Burma. In Burma's last election, the NLD won 82 percent of the seats in parliament, only to have the results annulled by the regime. They are completely excluded from the Convention.

As if that's not bad enough, the Convention is being held at a military camp which is surrounded by several military battalions. Among the regime's hand-picked participants are members of the United Wa State Army, whose leaders were indicted in absentia by a U.S. Federal Court in New York on January 24, 2004. The Department of Justice rightfully stated that the UWSA is one of the largest heroin producing and trafficking organizations in the world and is responsible for the production of more than 180 tons of opium in 2004. It is estimated that the UWSA has exported more than $1 billion worth of heroin to the United States alone since 1985, as well as vast amounts throughout the world.

The proceeds from this drug money have kept Burma's military regime in power. Burma's regime is a narco-dictatorship, addicted to the proceeds of the international drug trade. The UWSA and the regime have worked together to launder billions of dollars in drug profits into the Burmese economy.

We should not tolerate this orchestrated play by members of the military junta and drug traffickers, at the cost of thousands of lives of Burmese non-violence activists. As a Member of Congress who has been engaged on human rights and promoting democracy for 25 years, I am proud that our country has taken a firm stance against thugs who now control Burma. This pressure has been from both Republican and Democrats in Congress and the last two administrations. We should publicly denounce this sham convention and the drug traffickers that plan to attend.

In late 2004 Congress unanimously passed a resolution calling for the U.N. Security Council to address the Burmese military regime's threat to regional peace and security. I am also encouraged by Secretary of State Condoleezza Rice's labeling of Burma as an ''outpost of tyranny'' and I fully support her assessment. Now, I respectfully encourage

President Bush and Secretary Rice to follow-up on our resolutions and take the issue to the U.N. Security council, where it belongs.

INTRODUCTION OF LEGISLATION REGARDING MILITARY RETIREMENT CREDIT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation, along with Representative PETER KING (R–NY), which would ensure that members of the National Guard who served in the counties declared federal disaster areas because of the 9/11 terrorist attacks receive military retirement credit for that service. Many of the soldiers of the 1st Battalion, 69th Infantry Division of the New York Army National Guard, which is located in my district, served at Ground Zero and in the surrounding counties after the terrorist attacks for almost a year to assist with security, reconstruction, and recovery efforts. These soldiers were serving under state active duty rather than federal active duty. As a result, those days of service currently are not being counted toward their military retirement credit. However, other Companies in the 1st Battalion were activated under federal duty and served at West Point for a similar length of time to help with its security.

This legislation will correct this inequity. Because all of these National Guard members clearly aided in the federal response to the 9/11 attacks, I strongly believe that they should have those days counted toward their military retirement credit. The terrorist attacks of September 11, 2001, were an unprecedented event in American history. We should show our gratitude to these brave men and women by giving them the retirement benefits to which they are entitled.

BLACK HISTORY TRIBUTE TO EDNA PULLIAM CARPENTER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, throughout the month of February, I would like to recognize outstanding African Americans of the 2nd Congressional District of Mississippi, and their contribution to Black History. The 23 counties of the 2nd District are well represented from both a local and national perspective.

Americans have recognized black history annually since 1926, first as ''Negro History Week'' and later as ''Black History Month.'' In fact, black history had barely begun to be studied—or even documented—when the tradition originated. Although blacks have been in America as far back as colonial times, it was not until the 20th century that they gained a presence in our history books.

Though scarcely documented in history books, if at all, the crucial role African Americans have played in the development of our Nation must not be overlooked.

I would like to recognize Mrs. Edna Pulliam Carpenter of Tunica County, Mississippi, born on April 11, 1934. Mrs. Carpenter graduated from Coahoma Agricultural High School and was in the first graduating class at Coahoma Junior College.

Carpenter has taught in Robinsonville, MS at Bowdre School, and she began teaching at Rosa Fort High School in 1962. During her teaching career, she taught various courses including English, Physical Education, Math and Black History, as well as Elementary Education. She also introduced the sport of basketball in the Tunica School System. In addition she coached volleyball, tennis, track, and softball. In 1980, her Lady Lions basketball team made their first of seven appearances at the State Championships in Jackson, MS. In 1984, she was the first black female to coach the North Mississippi Girls Basketball All-Star Team in Jackson, MS.

She also taught classes at Coahoma Community College. In 1990, she retired from Tunica County School System, but continued to teach and coach for 2 years. She still tutors and works occasionally within the system. In 2003, she was named Hometown Hero by Lifetime Television in New York City at the Lifetime Achievement Awards. In 2003, she was also given a Lifetime Achievement Award by the Tunica Teens in Action.

As a result of her hard work and dedication in Tunica County, in 2004, the Tunica Middle School renamed their gymnasium in her honor.

I take great pride in recognizing and paying tribute to this outstanding African American of the 2nd Congressional District of Mississippi who deserves mention, not only in the month of February but year round.

TRIBUTE TO MR. MILTON DAVIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to one of Chicago's unsung heroes, the late Mr. Milton Davis who sadly passed away on February 11, 2005. His untimely death will truly leave a deep void in the Chicago community.

Mr. Speaker, the City of Chicago has lost a giant. My condolences and the condolences of my family are extended to Gertrude Davis and to her entire family.

Mr. Milton Davis was born in Jasper, Alabama and graduated from Morehouse College. He moved to Chicago in 1958 and worked with Ronald Gryzwinski and Mary Houghton on an experimental minority lending program at Hyde Park. In 1973, Mr. Davis was part of a group that purchased South Shore Bank in order to prevent its move to downtown Chicago.

A true pioneer, Mr. Davis dedicated the Shore Bank institution to serving low-income and middle-income African-Americans on the South Side of Chicago. Mr. Davis believed that you can empower the African-American community if you can provide them with the economic resources they needed to prosper. With that commitment in mind, Mr. Davis dedicated his life to making sure that his bank allowed the undeserved to gain a piece of the economic pie.

Mr. Davis' keen business sense or astuteness cannot be forgotten. From 1983 to 1996, he was chairman of Shorebank, which grew $40 million in assets to more than 1.5 billion today. Until, his death, Mr. Davis was on the bank's board and served as chairman emeritus.

Mr. Davis' courage to be independent, to speak his mind, and to fight for the under-represented in the South Side of Chicago will surely be missed. My fellow colleagues please join me in honoring the memory of Mr. Milton Davis, a true beacon of the Chicago community.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2005 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, my colleagues Mr. MORAN of Virginia, Mr. WOLF and I rise today to recognize an outstanding group of men and women in Northern Virginia. As many may know, the Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Fairfax County Police Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that are awarded to a public safety officer: The Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze medal of Valor. During the 27th Annual Awards Ceremony, 61 men and women from the Office of the Sheriff, Fire and Rescue Department, and the Police Department received one of the aforementioned honors for their bravery and heroism.

It is with great pride that we enter into the RECORD the names of the recipients of the 2005 Valor Awards in the Fairfax County Police Department. Receiving the Lifesaving Award: Charles F. Angle; Police Officer First Class Paul A. Basham; Detective Tina L. Brook; Police Officer First Class Douglas E. Coulter; Police Officer First Class Christopher W. Edmunds; Police Officer First Class Thea M. Haddix; Police Officer First Class James F. Kirk; Sergeant Shawn C. Martin; Master Police Officer Scott F. Moskowitz; Sergeant Trafton C. Parr; Police Officer First Class Louis A. Robinson Jr., Police Officer First Class Rimothy B. Schilling; Police Officer First Class Keith W. Shook; Police Officer First Class Mark J. Smith; the Bronze Medal: Lieutenant Roger E. Arnn; Police Officer First Class Richard W. Buisch; Detective Lincoln Kieffer; Police Officer First Class Kristi D. Kiernan; Police Officer First Class Carlos M. Lama; Police Officer First Class Kirk A. McNickle; Police Officer First Class Kenyatta L. Momon; Officer

Mohammed S. Oluwa; Police Officer First Class David A. Parker; Police Officer First Class Michael A. Wheeler; the Certificate of Valor: Second Lieutenant Christopher C. Cochrane; Officer Lance A. Hamilton; Police Officer First Class Jason C. Herbert; Public Safety Communicator I Kathy A. Kaehler; Sergeant Paul J. Norton III; Officer Dana L. Robinson; Police Officer First Class Vincent M. Scianna; the Silver Medal: Police Officer First Class Mark J. Kracun; Sergeant Justin P. Palenscar.

Mr. Speaker, in closing, we would like to take this opportunity to thank all the men and women who serve in the Fairfax County Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join me in applauding this group of remarkable citizens.

THE LIBERATION MOVEMENT OF NAGORNO KARABAKH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. PALLONE. Mr. Speaker, this Sunday, February 20, 2005 will mark the 17th anniversary of the modern day liberation movement of the people of the Nagorno Karabakh (NK). Seventeen years ago the people of NK petitioned the Soviet government to correct historical injustices and reunite them with their compatriots in Armenia.

The Armenians of NK were placed within the borders of Azerbaijan in 1921, as one of many ethnic groups there were separated by Joseph Stalin through his ''divide and conquer'' strategy. Armenians of NK were subjected to brutal Soviet Azerbaijani rule for 70 years.

It is imperative that we recognize the fact that NK's referendum to secede from Azerbaijan in 1988 was pursuant to Soviet law. NK was already operating as an autonomous region and therefore had the right and the power to secede if they chose to.

In fact, during the seven decades of Soviet rule, the Armenians of NK repeatedly stated to each successive Soviet regime their desire to be joined again with Armenia. These peaceful and legal maneuvers were met with violent repression and forced settlement of ethnic Azeris into NK.

In 1988, when the Armenians of NK heard of the Mikhail Gorbachev's democratization agenda, they began to again move peacefully for reunification with Armenia. At this time, the Soviet and Azeri armies would not stand even to entertain this request and immediately resorted to violence. Public expressions of determination by the Armenians of NK were met with a campaign of ethnic cleansing, deporting the Armenians of NK and Azerbaijan.

In 1991, as Armenia and Azerbaijan followed most soviet states in succession from the USSR, NK also voted to succeed. In an internationally monitored referendum, the NK population overwhelmingly voted to establish an independent Nagorno Karabakh Republic, currently known as NKR.

Following this referendum in which the country was established, the Azeri army began a full-scale war on the Armenians of NK, which took thousands of lives over 3 years, but eventually ended up with NKR repelling Azeri forces. This victory was gained with an army that was out-manned and outgunned, but had desire and guile that proved to be overwhelming. This conflict had a terrific human cost, leaving 30,000 dead and over one million displaced. Thankfully, although small skirmishes have broken out from time to time, the peace has been kept since an agreement ceased hostilities in 1994.

Mr. Speaker, I have repeatedly come to the House floor to speak of the plight of the Armenians of NKR. I can now speak from personal experience about NKR, having traveled there. I had the opportunity to travel to NKR to witness the Presidential elections there, where we served as official monitors. I am proud to say that all election observers that participated in this historic event gave an overwhelmingly positive response. One group in particular, headed by the Baroness Cox from England stated that, ''Our overall conclusion is one of congratulations to all the people of Artsakh (NKR) for the spirit in which the elections have been conducted, their commitment to the democratic process and their pride in their progress towards the establishment of civil society.''

This process is astounding considering that NKR is not recognized internationally; that they still must deal every day with Azeri aggression, and that their economy is still devastated from the war. The elections were reported to have met, if not exceeded international standards. All this just 9 short years removed from all-out war.

Congress recognized this consistent move towards democracy, granting NKR $20 million in humanitarian assistance in FY '97, an additional $5 million in FY '03 and $3 million just last year. This assistance has not just been crucial for needs of the people of NKR, but has also fostered the beginnings of an excellent relationship between our two countries.

Mr. Speaker, I would like to end with a final example of what I saw during my visit to NKR. During the elections, as I visited the capitol city and small villages alike, everyone I spoke to was incredibly excited about the prospect of voting. They viewed the vote not only as a choice of the leader of their country for the next 5 years, but a statewide referendum on the democratic process and independence of NKR.

I congratulate the people of NKR for the 17th anniversary of the Nagorno Karabakh Liberation movement and their incredible determination to establish a free and open democratic society.

INTRODUCTION OF THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing the Trafficking Victims Protection Reauthorization Act of 2005, which is intended to improve the United States' efforts in combating the scourge of human trafficking. I am pleased to be joined as original cosponsors by Representative LANTOS, Ranking Member of the International Relations Committee, Representative PAYNE, Ranking Member of the International Relations Subcommittee on Global Human Rights, International Operations and Africa, Majority Whip Representative BLUNT, Commerce, Justice, State Appropriations Committee Chairman Representative WOLF, Helsinki Commission Ranking Member Representative CARDIN, Representative ROS-LEHTINEN, Chair of the International Relations Subcommittee on Middle East and Central Asia, and Representatives PENCE, PITTS, and FALEOMAVAEGA.

Mr. Speaker, the U.S. Government now estimates that 600,000 to 800,000 women, children and men are bought and sold across international borders each year and exploited through forced labor or commercial sex exploitation. An estimated 80 percent of the victims of this barbaric trade are women and girls.

Congress and President Bush have demonstrated unprecedented international leadership in combating human trafficking through enactment of the Trafficking Victims Protection Act of 2000 (TVPA) and the Trafficking Victims Protection Reauthorization Act of 2003. Since taking office, the Bush Administration has devoted more than $295 million to combat trafficking worldwide.

Under the framework of the TVPA, the United States Government's efforts to combat trafficking in persons have focused primarily on international trafficking in persons, including the trafficking of an estimated 14,500 to 17,500 foreign citizens into the United States each year.

Across the globe, governments are taking action to prevent trafficking, to prosecute the exploiters and to give hope and restoration to those victimized by trafficking. Between 2003 and 2004, twenty-four countries enacted new laws to combat trade in human lives. Dozens more are in the process of drafting or passing such laws. Moreover, nearly 8,000 traffickers were prosecuted worldwide and 2,800 were convicted. This bill would support the ongoing efforts that have made these gains possible by reauthorizing appropriations for anti-trafficking programs here and abroad.

The bill also offers solutions to a number of specific scenarios in which trafficking is a problem, but which would benefit from additional initiatives. For example, drawing lessons from the aftermath of war in the Balkans a decade ago, and the devastating tsunami in South Asia a mere few months ago, foreign policy and humanitarian aid professionals increasingly recognize the heightened vulnerability of indigenous populations in crisis situations to many forms of violence, including trafficking for sexual and labor exploitation. Traffickers also recognize this vulnerability. This bill would focus governmental efforts, particularly by the State Department, the U.S. Agency for International Development, and the Department of Defense, to develop trafficking prevention strategies for post-conflict and humanitarian emergency situations—strategies which do not currently exist in sufficient form.

The bill would also take further steps to ensure that U.S. Government personnel and

contractors are held accountable for involvement with acts of trafficking in persons while abroad on behalf of the U.S. Government. Although few would dispute that the involvement of U.S. personnel, including members of the U.S. Armed Forces, with trafficking in persons in any form is inconsistent with U.S. laws and policies and undermines the credibility and mission of U.S. Government programs in foreign countries, there remain loopholes in U.S. laws which allow such acts to go unpunished. This bill closes those loopholes by expanding U.S. criminal jurisdiction for serious offenses to all U.S. Government contractors abroad—jurisdiction which already exists with respect to contractors supporting Department of Defense missions abroad—and by making federal criminal laws against sex and labor trafficking applicable to members of the Armed Forces and others subject to the Uniform Code of Military Justice. The bill would also direct the Secretary of Defense to designate a director of anti-trafficking policies who would guide DOD's efforts to faithfully implement applicable policies against trafficking.

The bill would also take on the outrageous situation of military and civilian peacekeepers, humanitarian aid workers, and international organizations' personnel, from complicity in trafficking and sexual exploitation in connection with international peacekeeping operations. To cite but the most recent examples of this, in December, United Nations Secretary General Kofi Annan admitted that U.N. peacekeepers and staff have sexually abused or exploited war refugees in the Democratic Republic of Congo. Among the 150 or so allegations of misconduct are instances of sexually abusing children, rape, and prostitution. On January 28, a senior official with the U.N. High Commissioner for Refugees was arrested for sexual abuse of minors and trafficking in Kosovo. The long list of allegations against international peacekeeping personnel involving sex trafficking and other forms of sexual exploitation extends back at least a decade and yet the United Nations and most other international organizations have failed to take sufficient action to end this abuse.

To his credit, Kofi Annan has promulgated a ''zero tolerance'' policy on sexual exploitation by peacekeepers. But words alone do not protect women and children from abuse. Earlier this week, President Bush asked Congress for $780,000,000 to pay for contributions to international peacekeeping activities this fiscal year. He has requested more than $1 billion for next year. Prior to writing this check, the bill I am introducing would require that the Secretary of State no longer accept words alone as evidence that the United Nations, NATO, and other multilateral organizations are taking seriously the responsibility to address trafficking and exploitation by peacekeepers. The bill would require that the Secretary of State certify, prior to endorsing an international peacekeeping mission, that measures have been taken to prevent and, as necessary, hold accountable peacekeepers in the mission who are involved with trafficking or illegal sexual exploitation.

In addition to a host of other measures to address trafficking overseas and to aid foreign victims in the United States, the bill also recognizes that trafficking in persons occurs within the borders of single countries, including the United States. According to the State Department, if the number of people trafficked internally within countries is added to the estimate, the total number of trafficking victims annually would be in the range of 2,000,000 to 4,000,000.

This bill would address the trafficking of American citizens and nationals within the borders of the United States—which the bill defines as ''domestic trafficking.'' There are no precise statistics on the numbers of United States citizens or nationals who have been victimized through trafficking, but there is great reason for concern. It is well documented, for example, that runaway and homeless children are highly susceptible to trafficking for commercial sexual exploitation. Every day in our country, between 1,300,000 and 2,800,000 runaway and homeless youth live on the streets. Researchers at the University of Pennsylvania have estimated that 100,000 to 300,000 children in the United States are at risk for commercial sexual exploitation in the United States, including trafficking, at any given time.

To date, U.S. victims of trafficking for sexual exploitation have been dismissed by the law enforcement community, particularly at the State and local levels, as prostitutes. Child victims are dealt with as juvenile delinquents. This bill would begin to shift the paradigm—much as we have done so successfully in the international arena—to view these exploited souls for what they really are—victims of crime and sexually exploited children.

The bill I am introducing would begin the process of developing a comprehensive strategy to prevent the victimization of U.S. citizens and nationals through domestic trafficking. It would require the Department of Health and Human Services (HHS) to undertake a study and then a program to reduce the demand for commercial sex acts in the United States, which in turn fuels trafficking for the purpose of commercial sexual exploitation. The bill would also authorize HHS to make grants to expand services to victims of domestic trafficking, with a priority for NGOs with experience in caring for victims of commercial sexual exploitation.

NGOs who work with trafficked children in the United States have indicated time and again that a lack of housing options for such children is a debilitating impediment to providing effective rehabilitative and restorative help. In response, this bill would require HHS to carry out a pilot program for residential treatment facilities for minor victims of domestic trafficking and authorizes the appropriation of $10,000,000 over 2 years for this purpose.

The bill would ensure that communities in the United States are fully informed about the presence of sex offenders in those communities. The bill would require that state sex offender registries include convictions in foreign court of a sexually violent offense, or a criminal offense against a child victim. The bill would also enhance State and local efforts to combat trafficking through a grants program to encourage the investigation and prosecution of domestic trafficking cases and the development of collaboration between law enforcement agencies and nongovernmental organizations.

The Trafficking Victims Protection Reauthorization Act of 2005 would address these and many other areas of concern, would authorize funding to continue our government's efforts against trafficking, and would build upon the experience of implementing the TVPA to refine U.S. laws and practices to better fulfill the intent of that law.

In summary, the TVPRA of 2005 would address trafficking in persons in foreign countries and the trafficking of foreigners into the United States by:

Incorporating trafficking prevention activities in post-conflict and humanitarian emergency relief programs conducted by the Department of State, the U.S. Agency for International Development, and the Department of Defense;

Requiring that sex offender registries, as established by the Jacob Wetterling Act and Megan's Law, include convictions in foreign courts;

Improving trafficking victims' access to information about federally funded victim services programs and facilitating access to counsel for victims;

Establishing a guardian ad litem program for child victims of trafficking;

Requiring USAID to establish in two foreign locations a pilot program of long-term residential rehabilitation facilities for victims of trafficking and authorizing $2.5 million for 2 years for this purpose.

Expanding U.S. criminal jurisdiction for felony offenses committed by contractors working abroad for Federal agencies;

Amending the Uniform Code of Military Justice to create punitive provisions for sex and labor trafficking by members of the U.S. Armed Forces;

Expanding the ability to prosecute traffickers for money laundering;

Amending the Protect Act to require U.S. Embassies to seek local prosecution or extradition of American citizens who commit sex crimes overseas.

Appointing the Secretary of Defense, the Secretary of Homeland Security and the Director of National Intelligence to the Interagency Task Force to Monitor and Combat Trafficking;

Requiring that the Attorney General's annual report to Congress include data on the number of trafficking victims identified, and benefits granted, with respect to each trafficking case prosecuted by the Department of Justice;

Refining criteria for determining, in the context of the State Department's annual Trafficking in Persons Report, whether a government is making ''serious and sustained efforts'' to eliminate trafficking: (1) whether the government is taking measures to prevent its nationals from engaging in trafficking during peacekeeping operations, and (2) whether the government is implementing measures to reduce the demand for commercial sex acts and participation in international sex tourism;

Expressing the need for research into the linkage between trafficking and the financing of terrorism; trafficking and HIV/AIDS; the development of an effective mechanism for quantifying the number of victims of trafficking; and the enslavement of children for use as soldiers;

Requiring that human rights training for Foreign Service Officers include instruction about trafficking in persons;

Requiring that the annual Trafficking in Persons Report include information on steps taken by the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and other international organizations to eliminate involvement of the organizations' personnel in trafficking;

Requiring the Secretary of State to certify prior to endorsing an international peacekeeping mission that measures have been taken to prevent the peacekeepers from being involved with trafficking. The bill would prohibit the United States from providing logistical support or personnel in support of a peacekeeping mission until this certification is received unless the Secretary provides (a) an explanation as to the steps taken by the U.S. to encourage the international organization to take appropriate measures to prevent trafficking, and (b) a certification that endorsing the mission is in the national interests of the U.S., notwithstanding the failure of the international organization to address trafficking;

Directing the Secretary of Defense to designate within the Office of the Secretary of Defense a director of anti-trafficking policies;

Directing the Federal Bureau of Investigation to investigate acts of trafficking.

The bill also provides for new initiatives to combat the trafficking of U.S. citizens and nationals within the United States by:

Requiring the Secretary of Health and Human Services to prepare a report of best practices for reducing the demand for commercial sex acts, which demands feed into the demand for trafficking into prostitution, to post the report on the HHS website, and to establish and carry out programs to implement these practices;

Requires that all U.S. Government grants, contracts or cooperative agreements with private entities contain a clause authorizing termination if the grantee, subgrantee, contractor or subcontractor (a) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract or cooperative agreement is in effect, or (b) uses forced labor in the performance of the grant, contract, or cooperative agreement. Since 2003 this requirement has been in place for international grants, contracts and cooperative agreements;

Authorizes the Department of Health and Human Services to make grants to expand services to victims of domestic trafficking;

Requires the Department of Health and Human Services to carry out a pilot program for residential treatment facilities for minor victims of domestic trafficking and authorizes the appropriation of $5,000,000 for 2 years for this purpose;

Enhances state and local efforts to combat trafficking through a grants program to encourage the investigation and prosecution of domestic trafficking cases and the development of collaboration between law enforcement agencies and nongovernmental organizations;

Improves Interagency Coordination to Combat Domestic Trafficking by allowing the Director of the State Department's Office to Monitor and Combat Trafficking to participate in the Coordinating Council on Juvenile Justice and Delinquency Prevention.

Reauthorizes appropriations for fiscal years 2006 and 2007:

$5.5 million to the Interagency Task Force to Monitor and Combat Trafficking; $3,000 in representation funds;

$15 million to the Department of Health and Human Services;

To the Secretary of State, $10 million for assistance for victims in other countries; $10 million for programs to improve law enforcement and prosecution; and $10 million for trafficking prevention initiatives;

$15 million to the Department of Justice for assistance to victims in the United States; and $250,000 for anti-trafficking training activities at the International Law Enforcement Academies (ILEAs);

$15 million to the President for foreign victim assistance (prevention activities); $15 million for assistance to foreign countries to meet the minimum standards to combat trafficking; $300,000 for research; and $250,000 for anti-trafficking training activities at the ILEAs; and

$10 million to the Department of Labor;

$15 million, for FY06 only, to provide additional resources to the Federal Bureau of Investigation to investigate international and domestic trafficking cases.

Mr. Speaker, the Trafficking Victims Protection Act of 2000 and its reauthorization in 2003 enjoyed bi-partisan support in both Houses of Congress. I strongly urge my colleagues to support this bill and enhance the good work underway to combat international trafficking in persons and to ensure that our government's response to all who are victimized by trafficking—whether foreign citizens or United States citizens—is one of deep compassion.

A BILL TO ALLOW FOR PRIORITY IN THE ISSUANCE OF IMMIGRANT VISAS TO SONS AND DAUGHTERS OF FILIPINO WORLD WAR II VETERANS

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. CASE. Mr. Speaker, I rise today to reintroduce a bill that will provide for the expedited reunification of the families of our Filipino World War II veterans who have become citizens of the United States.

This body has many times over recognized the courage and commitment of the Filipino troops who fought alongside our armed forces in the Philippines during World War II. In 1990, we provided a waiver from certain naturalization requirements for these veterans, and many thereafter became proud citizens and residents of our country. Most recently, in the 108th Congress, we provided a long-delayed and long-denied measure of justice by granting them a partial measure of veterans benefits which were unjustly denied to them in 1946.

But a huge gap still remains, for we did not allow naturalization in 1990 to the children of these same veterans. What my bill does is allow for the sons and daughters of those veterans that became U.S. citizens through the process established in 1990 to have priority in their respective immigration categories.

These are real-life issues, for the stories of families who have waited years, even decades, to be reunited are heartbreaking. For example, a veteran and his wife living in Hawai'i filed immigration petitions for two of their six adult children; they have waited over ten years for a visa to be issued to either. Another veteran petitioned successfully for his wife's immigration visa, but has not been as successful with the applications for their five adult children. Again, this family has been holding on for ten years with the hope that they will one day live in the U.S. as a complete family.

As we all know, our Filipino World War II veterans are entering the sunset years of their lives. We have addressed some small measure of the need to give adequate veterans benefits for their commendable service. I look forward to working with my colleagues in recognizing and providing for the reunification of these families of our Filipino World War II veterans.

TSUNAMI RELIEF IN THE EIGHTH CONGRESSIONAL DISTRICT OF ILLINOIS——

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Ms. BEAN. Mr. Speaker, I rise today to pay tribute to victims of the tsunami and to the spirit of giving that remains strong in the United States today. The devastation felt by so many Asian and African families was felt around the world, from Aceh to Illinois.

My constituents in the Eighth Congressional District of Illinois have already raised more than $45,000 to help rebuild communities in Southeast Asia. Our schools, churches, banks, local aid organizations and local officials have banded together to collect a steady stream of donations.

However, their work is not finished. On February 19th, in conjunction with other local officials, Lake Villa Mayor Frank Loffredo has organized a tsunami relief fundraiser and auction expected to dramatically increase the current total of donations. He will be assisted by the generous support of the following officials: Antioch Township Supervisor Steve Smouse, Grant Township Supervisor Kay Starostovic, Lake Villa Township Supervisor Daniel Venturi, Fox Lake Mayor Nancy Koske, Round Lake Beach Mayor Rich Hill, Lake County Board Chairman Suzi Schmidt of Lake Villa and County Board members Judy Martini of Antioch, Bonnie Thomson Carter of Ingleside and Bob Powers of Round Lake Beach, State Reps. JoAnn Osmond of Antioch and Robert Churchill of Hainesville, State Sen. Adeline Geo-Karis of Zion and the Lindenhurst/Lake Villa Chamber of Commerce. All proceeds will be donated to the Tsunami Reconstruction fund through the United Way of Lake County.

In addition, Lindenhurst Mayor Jim Betustak, along with Charter One Bank, First American Bank, First Midwest Bank, North Shore Trust & Savings, State Bank of the Lakes and State Financial Bank, founded an effort called "Banking on Your Support." At the end of the

month, the Village of Lindenhurst will send proceeds to the American Red Cross.

But, of special note, I am particularly proud of the students who have joined in the relief effort. Such displays of compassion, empathy and perspective serve as a model to us all. This demonstration of courage and goodwill by our young people suggests a bright future for northern Illinois.

Mr. Speaker, I ask my colleagues to join with me today in remembering the tsunami victims and in thanking the citizens of the United States and of the Eighth District of Illinois for their generosity and caring. While the devastation wreaked upon Asia and East Africa will be remembered for years to come, we, in turn, must also remember the caring and kindness of our own citizens in response.

TRIBUTE TO MR. EARL NEAL

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. RUSH. Mr. Speaker, I would also like to honor and pay tribute to Mr. Earl Neal, a lawyer from my hometown whose untimely death on February 13, 2005, has left a void in the halls and the streets of Chicago.

My deepest sympathies go out to his wife Isobel Hoskins Neal, his son Langdon Neal and the rest of his extended family. Although his presence will be sorely missed, the contributions he left behind are considered hallmark treasures of Chicago.

The Dan Ryan Expressway, the University of Illinois at Chicago, the United Center, U.S. Cellular field and the Midway Expansion Centers were all made possible as a result of Neal's strategic counsel and vast knowledge. His contributions serve as main thoroughfares to Chicago and home to the city's sports teams. Working diligently to ensure that all parties walked away winners, there was no greater team player than Earl Neal.

Neal served as a trusted aide and confidante to six mayors of Chicago over the past 50 years, which included Richard J. Daley, Bilandic, Byrne, Washington, Sawyer and Richard M. Daley. Earl was responsible for using his law background to find common ground with the community and the city.

Born in Chicago in 1929, Mr. Neal's future was guided by his educational path, which included Englewood High School, the University of Illinois and the University of Michigan Law School.

In 1975, Neal was appointed the first African American president of the University of Illinois Board of Trustees. A man who approached obstacles as opportunities, Neal attended the U. of I during a time in the 40s when African Americans were not allowed to live in the dorms or eat in the campus food halls. Throughout his life, Neal consistently rose from the bottom to the top, leaving an indelible impression along the way.

In 1983, Earl Neal was appointed chairman of the board of the First Federal Savings and Loan. He served on several business and civic boards and his legal career included more than 200 jury trials.

Many people leave legacies that you just hear about. Earl Neal has left a legacy that's tangible and will be experienced for many years to come.

RECOGNIZING ST. VINCENT DE PAUL CENTER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. EMANUEL. Mr. Speaker, I rise in proud recognition of the St. Vincent de Paul Center on the occasion of its 2005 Fleur de Lis Ball—an annual charity dinner to benefit underprivileged children, seniors and the homeless in the city of Chicago.

The St. Vincent de Paul Center is a pillar of our community and a shining example of public service for the Nation. For the past 90 years, the Center's dedicated staff—led by Dr. Renard I. Jackson, Chief Executive Officer, and Sister Catherine Mary Norris, Site Director—has established a strong record in meeting the daily challenges faced by low-income families and disadvantaged individuals in our community. The Center's programs cover a broad array of services from day care services for children through health care programs for the elderly.

The Center's child care programs, for example, serve low-income families by providing a safe and enriching environment for children, giving parents the time to enroll in job training classes and pursue employment opportunities. The Center's social services programs offer violence prevention, family counseling and support groups.

The homeless outreach programs provide day-to-day essentials such as food and clothing, counseling services, job search assistance and a mailbox for those who do not have their own addresses. Additionally, the senior services program assists Chicago's elderly with health care and money management decisions, and provides social interaction and friendship for isolated seniors.

The wide variety and high caliber of services offered by the St. Vincent de Paul Center serve as a national model of community outreach and are made possible by the selfless contributions of 3,200 volunteers who commit 50,000 hours of service annually. This strong sense of community service continues today in the new Center located at the corner of Webster and Halsted Streets in Chicago.

I commend the dedicated people at the St. Vincent de Paul Center for their faithful service to our community, and I wish them continued success in meeting the needs of disadvantaged Chicagoans well into the future.

BLACK HISTORY TRIBUTE TO JOHN E. BROWN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, throughout the month of February, I would like to recognize outstanding African Americans of the 2nd Congressional District of Mississippi, and their contribution to Black History. The 23 counties of the 2nd District are well represented from both a local and national perspective.

Americans have recognized black history annually since 1926, first as ''Negro History Week'' and later as ''Black History Month.'' In fact, black history had barely begun to be studied—or even documented—when the tradition originated. Although blacks have been in America as far back as colonial times, it was not until the 20th century that they gained a presence in our history books.

Though scarcely documented in history books, if at all, the crucial role African Americans have played in the development of our nation must not be overlooked.

I would like to recognize John E. Brown of Madison County, Mississippi, born October 22, 1949. Mr. Brown attended Canton public schools and graduated from Rogers High School in 1968 and graduated from Tougaloo College in 1974 with a B.A. degree in Sociology. Additionally, he received his M.S. degree in Environmental Education from the University of Michigan in 1975.

For the past 25 years Mr. Brown has served the people of his community as an advocate for social change and community development. For the past 10 years, Mr. Brown has served as President of the Canton Branch of the NAACP. Currently, he serves as CEO of Madison County Union for Progress. Mr. Brown is a member of Pleasant Green Church of Christ Holiness where he serves as a member of the Board of Deacons.

I take great pride in recognizing and paying tribute to this outstanding African American of the 2nd Congressional District of Mississippi who deserves mention, not only in the month of February but year round.

SUPPORTING NORMAL TRADE RELATIONS TREATMENT FOR UKRAINE—H.R. 885

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to join the gentleman from Illinois, Chairman HENRY HYDE, in sponsoring this important and timely legislation that would grant Ukraine normal trade relations status. With the historic triumph of Ukraine's peaceful Orange Revolution President Viktor Yushchenko's determination to consolidate democracy in Ukraine, the time has come to graduate Ukraine from the provisions of the Jackson-Vanik amendment to the Trade Act of 1974. Since 1992, Ukraine has been certified annually as meeting Jackson-Vanik requirements on freedom of emigration.

As Co-Chairman of the Helsinki Commission, I have closely monitored developments and actively encouraged progress in Ukraine with respect to democracy, human rights and the rule of law. Since independence, Ukraine has made considerable progress as a participating State of the Organization for Security

and Cooperation in Europe (OSCE) in ensuring religious liberties and respect for national minorities. Normal trade relations status is especially warranted given Ukraine's embrace of freedom and the new government's active steps to promote reform and build a genuinely democratic future for this important partner.

Congress has been supportive of Ukraine's efforts to develop as an independent, democratic and economically prosperous country that respects human rights and the rule of law, enjoys good relations with its neighbors, and integrates with the Euro-Atlantic community of nations. Today, Ukraine is positioned to realize these goals under leadership committed to democracy at home and beyond. No doubt there are significant challenges ahead. The granting of NTR to Ukraine would represent a tangible expression of support for the new government in Ukraine as they move ahead on their important historic agenda for change. President Yushchenko and the people of Ukraine deserve our support.

ARTICLE PUBLISHED BY RICHARD GILMORE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. VAN HOLLEN. Mr. Speaker, I would like to call your attention to the following article, written by my constituent, Richard Gilmore. Mr. Gilmore is the President and CEO of the GIC Group. The GIC Group combines experience and strength in research, analysis, and marketing with financial services and asset management. They are able to offer this expertise to the agribusiness and biotechnology industries to gain access to global and domestic markets, to add value to current agribusiness activities, and to identify new markets. This article is not necessarily a reflection of my views.

US FOOD SAFETY UNDER SIEGE?

(By Richard Gilmore)

When it comes to the prospect of an agroterrorist attack—the use of biological agents against crops, livestock, poultry and fish—US agriculture has rolled out the welcome mat. Integration and consolidation in the industry widen the potential impact of any single attack. Internationalization of the food chain offers limitless possibilities for human consumption contagions, as well as economic and political instabilities. To combat and anticipate potential attacks to the US food chain, greater effort should be placed on designing new disease-resistant varieties of plants and livestock on the basis of genomic information. Stricter regulations and enforcement capabilities should be introduced not only at our borders but at the point of origin where food is grown, procured or processed for domestic consumption within the United States. At the same time, the United States must develop a comprehensive preparedness and prevention strategy of international proportions in close coordination with our trading partners and the private sector.

CHANGES IN FOOD PRODUCTION AND REGULATION

The US strategy of protection for the food system, as mapped out in the Homeland Security Presidential Directive/HSPD–9 of January 30, 2004, presupposes that in striving to protect production, processing, food storage and delivery systems within US territory, a credible line of defense will be created to protect the food chain and encourage a thriving agricultural economy. In fact, US agriculture has undergone dramatic change. For crops, 'farm to fork' no longer is confined to a regionally based agricultural system, but now encompasses a highly integrated and consolidated global undertaking. For livestock, 'hoof to home' now takes on a new meaning that includes a high concentration of production, specialization of calf operations, long distance shipping and massive feedlots averaging thousands of head marketed per facility, for both domestic and international consumption. These commercial developments have resulted in previously unimaginable production and handling efficiencies in domestic and export markets.

In 2001, over 70% of processed food in the United States was purchased from other countries, representing almost 30% of final gross product. Fifteen of the top 25 food and beverage companies in the global market are US owned, accounting for about 10% of the global market. US multinational companies account for roughly 6.5%. With greater consolidation on a global scale, interaffiliate trades account for an increasing portion of the value of the food chain. Like other nations, the United States is moving from self-sufficiency to an increasing dependence on other countries for its food supply.

At the same time, the US regulatory infrastructure for food safety is still a work in progress and is hobbled by overdependence on the private sector and underdependence on international cooperation. Whether it is a matter of detection, surveillance or information flow, the US government is currently dependent on the private sector for cooperation and support. To share information, government and industry have established the Food and Agriculture Information Sharing and Analysis Center (ISAC; Washington, DC, USA), which includes key industry association representatives, especially from the processed food and feed sectors.

The Bioterrorism Act of 2002 sets up tracking mechanisms whose effectiveness depends on industry self-reporting. New food import regulations issued by the US Food and Drug Administration (FDA; Rockville, MD, USA) now require prior notification of eight hours for goods arriving by ship, four hours by rail or air and two hours by road. This dependence on the private sector is burdensome for companies and both insufficient and unreliable for ensuring the public's food safety concerns.

Current regulations have evolved since last December, after a reality check of the US government's enforcement capabilities along with industry's feedback and support. The initial regulations failed on both counts and the prospects for the latest regulations remain uncertain. FDA and the Customs & Border Protection Agency (Washington, DC, USA) still have not adequately funded the enforcement infrastructure nor trained personnel to ensure statistically random, uniform inspections under the new prenotification time frames. Industry is called upon to fill the breach but is still relatively unprepared, with insufficient resource commitment to comply fully with the latest regulations.

There remains a remarkable lack of consultation, joint surveillance and shared research with trading partners worldwide. Whether grits or pasta, the US diet still thrives on an international food supply chain. Similarly, food protection and terrorist prevention have to be internationalized, particularly given the advances that continental-wide Europe and Japan have achieved in this regard.

THE THREATS

Although no precedent exists for an agroterrorist attack on the food chain, the dire consequences of natural outbreaks provide a glimpse of the potential damage that could be wrought. The scale of the foot-and-mouth disease (FMD) outbreaks in Taiwan in 1997 and in the UK in 2001 or the bovine spongiform encephalopathy (BSE) epidemic in the United Kingdom from 1996 to 2002 was more devastating than previous epidemics because of the size and structure of modern agricultural production. Taiwan was forced to slaughter more than 8 million pigs and suspend its exports. In the United Kingdom, 4.2 million animals were destroyed in 2001 and 2002, with devastating economic consequences. The cost to Taiwan, a major supplier to Japan, was estimated to be over $20 billion. In the United Kingdom, direct compensation payments alone amounted to approximately $9.6 billion. Because of two major outbreaks of BSE, the United Kingdom slaughtered approximately 5.8 million head of cattle (30 months or older), with an impact of up to $8 billion for the 2000–2001 occurrence alone. The 2003 Dutch outbreak of H7N7, a very pathogenic strain of avian influenza virus, resulted in the necessary culling of over 28 million birds out of a total of 100 million. These numbers pale in comparison to the estimates for a terrorist-induced pathogen release at the heart of the international food chain. The range is astonishing, from almost $7 billion due to a contagion of Asiatic citrus canker on Florida's citrus fruit alone to $27 billion in trade losses for FMD.

An array of pathogens could be introduced easily and effectively with assurance of widespread health, economic and political impacts. For livestock, the prime candidates are FMD and African swine fever (ASF). FMD is particularly attractive from a terrorist standpoint because it is a highly contagious viral infection with a morbidity rate of 100% in cattle. ASF is equally effective.

Next on the list are the zoonotic diseases, which offer a different strategy: using animals to infect humans. Brucellosis, though not fatal, results in chronic disease; some paramyxoviruses can be passed through direct contact with animals and feature a mortality rate in humans of 36%; certain arboviruses, such as Japanese encephalitis virus, which is spread by insect vectors, and cutaneous forms of anthrax could be readily introduced in the United States. Animal hides, an import item to the US, are a common carrier anthrax spores that can be readily inhaled and prove fatal for humans.

When it comes to crop pathogens, the list is equally long and ominous: stem rust for cereals and wheat, southern corn leaf blight, rice blast, potato blight, citrus canker and several nonspecific plant pathogens. Although not transmittable to humans, these pathogens would cut a wide and devastating swathe in crop production.

It takes relatively few dollars and little imagination to introduce these deadly pathogens. Just like a crop duster or even hand spray pumps, aerosol would be an effective means to introduce the crop pathogen of choice on plants. A terrorist could also rely on cross border winds or water systems to carry a harmful pathogen from another

country into the United States. For animals, the options could be somewhat more imaginative, such as dusting a turkey's feathers with a pathogen agent and then filling small bomblets with the feathers to explode over a targeted area, mushrooming contamination as the feathers drift with the wind to such likely targets as a high density avian population.

ECONOMIC AND POLITICAL IMPACT

Any agro-terrorist attack on the food chain would create marked economic instability and losses due to dislocational, trade and health effects. Every bushel of wheat, corn or soybeans (all staple food and feed items) in addition to beef carcasses and pork bellies, has a futures contract written in Chicago and on other exchanges in Europe, Asia and Latin America. These contracts are all written on margin positions, meaning that the financial losses on unfulfilled contracts would be a multiple of the contract itself. Apart from stocks, losses could be incurred as a result of the following: loss of business for freight-forwarding companies, cancellations of ocean freight, rail and truck hauls; insurance claims on cargoes; and abrogation of contracts up and down the food chain.

With only a partial and untested 'Bioshield' system in place, one likely scenario is that US politicians would adopt a unilateral response to what is an international problem in the face of a bioterrorist attack. Whether it's cross-border winds or the globalization of our food chain, the fact remains that much of our own vulnerability rests with imported pathogens. The US cannot seal off its territory from these pathogens. By attempting to do so, the government would make matters worse in the absence of uniform international security and surveillance systems.

The appropriate counter-terrorist response requires a global security system for sharing research, findings and coordinating strategies with trading partners where the United States sources and sells much of its food. Present policies risk the kind of economic repercussions experienced with Japan in the aftermath of the three-day soybean embargo imposed by the United States in 1973, which became a major *shoku* in Japan's economic history. Concern over food security, rooted in the soybean embargo, inspired the first and ultimate line of defense in Japan's resistance to liberalizing international trade rules for the agricultural sector.

COUNTERATTACKS

The first priority to combat these threats is to invest in the creation of pathogen-resistant crops through genetic engineering. The National Plant Genome Initiative (Washington, DC, USA) is an international collaboration between academia and the private sector to build a plant genome research infrastructure targeted at sequencing model plant species and therefore identifying genes associated with disease resistance. Together with information concerning large-animal genomes—the cattle genome is anticipated soon—genomic information can be applied to develop new strains of plants and livestock resistant to animal and plant pathogens likely to be used by terrorists. The US Department of Agriculture's (Washington, DC, USA) newly sponsored research centers and other joint government and private sector initiatives inside and outside the United States could also contribute to the search for resistant strains of livestock. In addition, short-term virus testing and monitoring measures can be adopted to address the problem of increased susceptibility of livestock to disease due to changes in cattle feeding and meatpacking. The discovery earlier in 2004 of a BSE-infected Holstein cow in the United States demonstrated that the monitoring and surveillance system in place is insufficient for rapid detection purposes.

There is also an immediate need for a stronger set of regulations that feature comprehensive coordination of research, detection and surveillance on both national and international fronts. Private industry partners in this undertaking must be treated equitably and fairly with a greater effort to broaden industry representation. The easiest step that can be taken to strengthen US defenses is to initiate and fund an intensive personnel training program to meet CBPA (Customs and Border Protection Agency) and FDA's ambitious program benchmarks for field operations, including port inspections, staffing and personal training, and industry registrations. We still lack uniform and consistent enforcement standards for industry and government agencies. Although that is the 15-year goal of the Automated Commercial Environment (ACE) run by the US Customs, nothing in place can accommodate different information and reporting systems in both the government and the private sector.

Longer term measures should include accelerated research programs and an integration and internationalization of policy planning and enforcement. Although the target is to create a practical system of defense for the US food chain, new endeavors to foil terrorists also can result in a broader international system of preparedness. Lifting the siege is the first step to defeating the aggressors.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2005 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, my colleagues Mr. MORAN of Virginia, Mr. WOLF and I rise today to recognize an outstanding group of men and women in Northern Virginia. As many may know, the Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Fairfax County Sheriff's Office have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that are awarded to a public safety officer: The Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze medal of Valor. During the 27th Annual Awards Ceremony, 61 men and women from the Office of the Sheriff, Fire and Rescue Department, and the Police Department received one of the aforementioned honors for their bravery and heroism.

It is with great honor that we enter into the RECORD the names of the recipients of the 2005 Valor Awards in the Fairfax County Sheriff's Office. Receiving the Certificate of Valor: Officer Dwayne Archer; Private First Class Duane A. Cohenour; the Life Saving Award: Private First Class Sharon L. Douglas; Master Deputy Sheriff Andrew B. Duvall; Private First Class Peter J. Fox; Private First Class Timothy A. Haynes; Private First Class Amy K. Lewis; Deputy Anthony A. McGhie; Private First Class Leslie A. Sheehan; Private First Class Jamilah Suarez.

Mr. Speaker, in closing, we would like to take this opportunity to thank all the men and women who serve in the Fairfax County Sheriff's Office. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join me in applauding this group of remarkable citizens.