United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, MAY 10, 2005 No. 60

House of Representatives

The House met at 12:30 p.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON) for 5 minutes.

CONGRESSIONAL REFORM OF INTELLIGENCE COMMUNITY OVERSIGHT

Mr. SKELTON. Mr. Speaker, I rise today to speak about the importance of our national intelligence capability and what we in Congress must do to improve it.

Just a few weeks ago, the Commission on Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, the Robb-Silverman Commission, issued its report. One of the many charges leveled by the commission against the intelligence community, perhaps the most damning, is the intelligence community collects far too little information on many of the issues we care about most.

As the commission also points out, without information, analysis turns to guesswork. The state of the affairs in our intelligence community is alarming, dangerous and frankly unacceptable.

Within the span of 2 years, the United States has had two very obvious and public examples of intelligence failures. The September 11, 2001 terrorist attacks, and the dead wrong conclusions reached about Iraq's weapons of mass destruction programs.

The 9/11 Commission took the first step in identifying what ails the intelligence community, by pointing out that it's a community in name only. It needs centralized direction and coordination. The intelligence reform bill Congress enacted last year establishes a director of national intelligence and tries to address this problem.

I also believe that Congress did not challenge the intelligence community aggressively enough before we invaded Iraq, either in the issue of weapons of mass destruction, or the likely aftermath of the invasion. We, in Congress must help the intelligence community move beyond the cold war mentality and focus more effectively on the challenges we face from the proliferation of weapons of mass destruction, and from al-Qaeda and other terrorist groups within global reach.

But, beyond fixing the intelligence community, Congress needs to get its own house in order. We must do a better job of oversight of the intelligence community. Restoring effective and constructive Congressional oversight should be a top bipartisan priority in the 109th Congress. I believe there will be value in putting together a bicameral, bipartisan select committee like the Joint Economic Committee or the Joint Committee on Atomic Energy of the past, to take a hard look at how Congress should reform itself to better perform oversight of our intelligence.

In my view, the House and the Senate need similar structures to handle intelligence matters, so that the budget requests, legislative referrals and conferences between the two bodies on authorizations and appropriations are handled logically and simply and without disconnection or disfunction.

How would such a select committee work? Membership could be appointed by the leadership on both sides from committees that deal with intelligence matters now. The committee could garner input from various groups including the intelligence community, other governmental organizations such as CRO, CBO and GAO, and from outside groups such as think tanks, former Members of Congress, and experts in the field.

Moreover, both the 9/11 Commission and the Robb-Silverman Commission made suggestions about how Congress should reform itself to do a better job with intelligence issues. These recommendations should be explored in depth. There are a number of fundamental questions that should be rethought: Which committee should have jurisdiction and oversight responsibilities for intelligence matters? Should there be a separate intelligence appropriations subcommittee? Should intelligence responsibility in Congress continue to be divided along programmatic lines, the JMIP, the TIARA, and the NIP? Should the current Select Committee on Intelligence be made permanent?

Mr. Speaker, these are not partisan questions, and they should not be addressed in a partisan fashion. I believe that for the sake of our own national security we must avoid a partisan blame game. We should focus on how to fix the intelligence community that is still reeling from its public failures and struggling to digest organizational reforms that we have already enacted.

At the same time, Congress must restore its own effective and constructive oversight over intelligence matters. I think a bicameral, bipartisan select committee could rise above the partisan and turf tensions that exist, and I urge Leader PELOSI and Speaker HASTERT to strongly consider this option as a way to improve the system.

In the final analysis, the intelligence community, the administration and the Congress must work all together to

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ensure that we can meet the intelligence challenges we face in the coming years. We must get this right.

RECOGNIZING THE CONTRIBUTIONS OF RAFAEL DIAZ-BALART

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. DREIER) is recognized during morning hour debates for 5 minutes.

Mr. DREIER. Mr. Speaker, it is with a great deal of sadness that I rise today to report to our colleagues of the passing of the father of our two very distinguished colleagues, the gentlemen from Florida (Mr. LINCOLN DIAZ-BALART) and (Mr. MARIO DIAZ-BALART).

Rafael Diaz-Balart passed away last Friday after a brief illness of about 3 weeks. And he was one of the most incredible men I ever had the privilege of knowing.

I will say that, as we all know, the Diaz-Balart family has long been great champions of the cause of freedom and democracy in Cuba. And the greatest champion was the father, Rafael Diaz-Balart.

He had a very, very distinguished and varied career. He served as the majority leader in the Cuban House of Representatives, during the time of the Cuban Republic. Later, from exile, he founded the White Rose Party to fight the communist dictatorship.

He served 14 years as a Costa Rican diplomat, and was a legal advisor to the Spanish Government. He always continued to do everything that he possibly could to encourage the cause of democracy and freedom in his homeland.

He is an individual who was extraordinarily dedicated to his family. He had four wonderful sons. And I had the chance to talk to our two colleagues just last Friday shortly after he passed away. And I was struck with some of the things that were said.

As I said, it was a brief illness. And the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) told me that his father said to the doctors, whom he had just met, he said, ''It was worth getting sick just to have the chance to meet you wonderful guys.''

And the gentleman from Florida (Mr. MARIO DIAZ-BALART) said to me that our father taught us how to live, and now he has taught us how to die. And I will say that for me personally it will be a great loss, because I had the opportunity to spend many wonderful times with Rafael Diaz-Balart, and I know that we all, as we think of his passing and the wonderful life that he led, will redouble our efforts to ensure that his dream of freedom and democracy finally come about for the Cuban people.

RECOGNIZING THE SIXTIETH ANNIVERSARY OF THE END OF WORLD WAR II

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, on May 8, 2005, we will mark the 60th anniversary of the end of World War II. So I rise today to honor the men and women that did their duty in this war to comfort the families that lost loved ones.

World War II was truly a world war conflict, spread across the globe, and it is estimated that some 50 million people died as a result. The impact of the war was felt everywhere. Men and woman from every walk of life were encouraged to do their bit for the war effort, and they responded magnificently.

It is hard to imagine the relief and joy that those who had lived through the war experienced when at last the war finally ended. Veterans remember ripping the blackout curtains from their windows, turning on their lights, and sharing with their family, friends and neighbors or complete strangers their joy at hearing the news that the war was over.

However, we should remember that for many, the end of the war came over a period of months. For those who were serving in the Far East and their loved ones, the war continued long after the victory celebrations that are etched in our popular memory. World War II extracted a terrible toll, most brutally in terms of the dreadful human cost in dead, injured and of course disabled.

Year after year of sacrifice and uncertainty, of making do and going without, left its mark on each and every Nation. But it also helped forge an attitude of never again.

The images we see of people celebrating the end of the war are people shaking off their recent past and looking forward to a better peaceful future. As we look back on these images, we might stop to reflect upon not only the debt that we owe them, but to consider too the responsibility for the future that we have inherited.

As we look towards the future we look towards democracy. President Bush's trip to Europe, in particular the Soviet Union, exemplified his strong push towards his foreign policy agenda of spreading democracy. As we look towards the future today, President Bush also looked towards the past in remembrance of World War II.

He connected the struggles against Nazi and Communist tyranny in the part of the world to his own campaign to bring democracy to the Middle East. In an effort to encourage President Putin to acknowledge past national mistakes he said, ''In regard to our occupation of the Middle East, we will not repeat the mistakes of other generations, appeasing or excusing tyranny, and sacrificing freedom in the vain pursuit of stability. We have learned our lesson. No one's life is expendable. In the long run our security and our true stability depends upon the freedom of others.''

It is a remarkable statement that the President issued. It is this freedom, the freedom and benefits of a democratic Nation that President Bush is trying to encourage people to reflect on. His scheduled stop in Latvia was a way of easing his participation into Monday's anniversary celebration in Moscow's Red Square.

But, of course, a trip like this reopened old wounds between Moscow and the Baltic States, which of course were absorbed into the Soviet Union in 1940 after the secret Molotov-Ribbentrop deal between Hitler and Joseph Stalin in 1939.

The agreement provided for Soviet occupation of Estonia, Latvia, part of Finland and later Lithuania in return for Nazi Germany's control over most of Poland. As President Bush looked back on the history of the Soviet Union, he tried to compare the United States' past mistakes to that of the Soviet Union.

President Bush noted that lengthy and difficult journey for us here in the United States for democracy, with our own civil war that we struggled through. As we look to the future, it is essential to remember the past and the mistakes we made as a Nation, and other Nations should do the same.

World War II embodies what certain mistakes can result in. Sixty years ago, millions of Europeans were suffering from homelessness or having been released from captivity or expelled as part of an act of vengeance.

So thousands of Americans and American families were left with a gapping hole, as they had lost loved ones in the battles during World War II. It is today that we make a stand and seek to liberalize other nations and encourage freedom and democracy throughout the world.

Mr. Speaker, I would like to praise President Bush for his statements that were made in Europe this week and again honor the lives of millions of soldiers that fought for the end of the war, World War II.

RECESS

The SPEAKER pro tempore (Mr. KUHL of New York). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 47 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KOLBE) at 2 p.m.

PRAYER

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

Eternal Father of our freedom and our salvation, hear the prayers of Your people across this Nation. With them we pray as one for the Members of Congress who gather today to attend the

work of the people You lay upon their shoulders.

Fill them with wisdom and prudence that all their efforts on behalf of the needy and the forsaken may bring them satisfaction in their labors. And enkindle renewed hope for those who are in most need of Your mercy.

Make of them true leaders who live beyond self-interest and serve their brothers and sisters in this land of promise. To You, our God and Father, we commend this Nation, and we ultimately place all our trust in You, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas 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. 148. An Act to establish a United States Boxing Commission to administer the Act, and for other purposes.

U.S. HOUSE OF REPRESENTATIVES SCORING VICTORIES ON EVERY FRONT

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

Mr. DELAY. Mr. Speaker, ever since the terrorist attacks of September 11, 2001, punctured both our national security and our national economy, the House has responded on both fronts. We have worked tirelessly to both secure our homeland and defeat our terrorist enemies around the world, and we have worked with equal determination to secure our economy, helping it to grow and create jobs over the last 3½ years.

These two missions, economic prosperity and military victory, are so intertwined that it could be said that winning the war on terror is America's top economic priority, while growing our economy is a wartime necessity. Both prongs of our agenda are succeeding, Mr. Speaker.

Last week, the Department of Labor reported that 274,000 jobs were created in April, far more than economists predicted, while unemployment came in at just 5.2 percent. Meanwhile, the Congressional Budget Office reported that the deficit projection for the first 7 months of the fiscal year is $50 billion lower than previously estimated. The deficit is going down. New home sales grew 12.2 percent over last year, and the overall economy grew at 3.1 percent for the first quarter of 2005. The economy is strong, it continues to grow, and that strength and growth make it possible for us to meet the needs of our military and conquer the challenges of the war on terror.

Last week, Mr. Speaker, we built on those successes by passing President Bush's emergency supplemental war budget with strong bipartisan support. And at the same time, offensive operations in the Iraqi and Afghani theaters have netted our troops significant victories over the last week. Dozens of terrorists and insurgents have been captured, and our intelligence gatherers continue to close the noose around our enemies.

Our continued success around the world enhances our security here at home, where this week we will add to that momentum by taking up a bill to reform the way that the Federal Government funds our first responders.

Under the new bill, firefighters, police, and emergency medical personnel will get the money they need via a streamlined funding system. That will help bolster our homeland security and national preparedness, which will further protect our economy, which will, in turn, continue to support our war effort.

All of these priorities are of a kind, Mr. Speaker: homeland security, national security, and economic strength; and this week, the House will score victories on every front.

U.S. NEEDS TO GET OUT OF IRAQ

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

Mr. KUCINICH. Mr. Speaker, the administration is closing defense bases here at home and building new bases in Iraq. There is no money to maintain some defense installations here, but there is $270 billion and counting for establishing a permanent presence in Iraq. The Armed Forces ranks are depleted. Enlistment is falling off. So the administration is hard at work privatizing the war, having hired about 20,000 so-called contractors, mercenaries, to do work that used to be done by the military.

A member of the new private army in Iraq may make as much as 10 times more than what an enlisted soldier makes, and private companies making billions from the Iraq war will no doubt be quick to make political contributions to make sure the war keeps going. Our Reservist and National Guard units are fortifying a mission to which they should have never been called.

Iraq has turned into a tragedy. What is even more tragic is the thinking that says, Well, we are there; now we need to stay and finish the job.

Mr. Speaker, we need to get out. The sooner the better. And we need to hold accountable those whose lies sent our soldiers there at the cost of many American lives and the lives of innocent Iraqis.

RECOGNIZING THE WOMEN OF TOMORROW MENTOR AND SCHOLARSHIP PROGRAM

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize an outstanding group from my congressional district, south Florida, the Women of Tomorrow Mentor and Scholarship Program: its founder, Jennifer Valoppi; its sponsor, NBC Channel 6; and, of course, their board of directors, Don Browne, Katherine Fernandez-Rundle, Donna Feldman, Judge Judy Kreeger, Marita Srebnick, and Sherry Williams, for their steadfast commitment to the women of our south Florida community.

Women of Tomorrow is a mentor and scholarship program designed to guide, to inspire, and to help at-risk young women achieve their true potential through education, job training, resume-building, and skill development.

We as a society have a profound obligation to enrich the lives of all of our citizens, and Women of Tomorrow fulfills that obligation by encouraging young women to achieve their dreams and embrace their true dignity.

I am proud of all of those who are associated with Women of Tomorrow for their continuing efforts to improving the lives of south Florida's youth.

ADDRESSING GANG VIOLENCE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak about the increasing problem of gang violence.

Since 2001, we have seen drastic budget cuts in youth violence prevention. At-risk kids need support and a place to go after school. They need the fundamental tools to make good choices.

Instead of funding these programs, the Congress has chosen to lock them up and throw away the key.

Mr. Speaker, what kind of message is this, and the bill that we are going to take up this week, giving to our at-risk youth? We must provide at-risk youth with a path to succeed, not a path to prison.

Our police forces are doing a very outstanding job, most especially in Dallas, Texas. However, prosecuting criminals is not enough. We also need to work on preventing future violence.

I am a strong supporter of law enforcement, but I do believe in prevention. It is less costly.

HONORING THE CITY OF STATESVILLE, NORTH CAROLINA

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

Ms. FOXX. Mr. Speaker, it is with great pride that I rise today to honor the city of Statesville for being selected Top Micropolitan of the Year by Site Selection Magazine.

Statesville is a dynamic town located in the foothills of North Carolina at the intersections of Interstate 77 and 40. This charming city is characterized by beautiful buildings, historic homes, clean air, a pleasant weather climate, terrific quality of life, and incredibly friendly people. It has been named by Site Selection Magazine as the number one small town in America for attracting new industry.

Agriculture thrives in Statesville, as does business, technology, and manufacturing. The Statesville Airport is the home base of many NASCAR teams that are based in Iredell County. Because of the wide variety of industries in Statesville, the town is known for its outstanding economic development and widely skilled local workforce.

By being selected Top Micropolitan, Statesville has demonstrated that there is no better place to live or work than northwest North Carolina. I am proud to represent Statesville and all of the other great cities located in the Fifth Congressional District.

FILIBUSTER SHOULD NOT STAND IN THE WAY OF NOMINEES

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

Mr. PITTS. Mr. Speaker, it is kind of hard to see justice served in this Nation when our Federal bench has vacancies on it. That is why the President has put forward a number of highly qualified, highly skilled people to serve on the Federal bench.

However, Senate Democrats do not like these judges. They have conspired to block judges using the filibuster. That means a nominee requires the approval not of 51 Senators, which the Constitution requires, a majority; but 60 Senators, a supermajority.

So Republicans would like to restore the tradition of the Senate approving the President's judicial nominations by requiring an up-or-down vote. This is called the Constitutional Option, because it empowers Senators to vote on judicial nominees, up or down. The rule change will apply only to judicial nominees.

It actually has been used before by Democrats. In 1995, 19 currently serving Democratic Senators voted to end all filibusters, and Senator ROBERT BYRD has tried to amend use of the filibuster several times.

As long as there is a Senate, there will be a filibuster and other delaying tactics available to thwart the majority and legislation. But as long as the Constitution directs the Senate to vote on judicial nominees, the filibuster will not stand in the way.

SUPPORTING JANICE ROGERS BROWN ON HER NOMINATION TO THE DISTRICT OF COLUMBIA CIRCUIT COURT OF APPEALS

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of the nomination to the D.C. Circuit Court of Appeals of Janice Rogers Brown.

In the discussion over the filibuster, much has been lost with respect to the individuals who have been nominated, that is, who they are as real people.

Janice Rogers Brown is an outstanding member of the California Supreme Court. As attorney general of the State of California, I had the opportunity to review her record and on two occasions to vote to put her on the appellate court and then on the California Supreme Court.

She has worked in various different areas in the legal field. One of the outstanding periods of her work was as legal affairs secretary to Governor Pete Wilson, who on many occasions commented on the outstanding job she did for him, the tremendous legal mind she had, and the ability for her to listen to all sides and then come to a considered opinion.

Mr. Speaker, in the effort to resolve the problem in the other body, I hope that Janice Rogers Brown will not be left behind. She is an outstanding candidate, someone who would do well to serve on the District of Columbia Circuit Court of Appeals, and someone who has had an outstanding record as a member of the California Supreme Court.

BIOMEDICAL RESEARCH BIGGER AND BETTER IN TEXAS

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

Mr. BURGESS. Mr. Speaker, being from Texas, I am frequently asked, are things truly bigger in Texas? And the answer, of course, is yes. As you work your way down that list of cattle farms and oil wells, put a big checkmark next to biomedical research.

Mr. Speaker, in the State of Texas, the 15 members of the University of Texas system in the year 2004 contributed almost $13 billion to the economy of the State. They created over 111,000 jobs between them.

Now, one of six medical research institutions in Texas is the University of Texas Southwestern Medical School. Back in World War II when Baylor College of Medicine left for Houston, the University of Texas Southwestern Medical School was started in an abandoned Army barracks; and from those humble beginnings, they have become a powerhouse in medical education, patient care, and research.

Mr. Speaker, the University of Texas Southwestern Medical School boasts four Nobel Laureates. They have a new medical research tower which is being completed, and advances in medical imaging are going to be housed in that tower, as well as a new alliance for cellular signaling, to investigate how cells talk to each other will be housed in that building. With the acquisition of Zale Lipshy Hospital and St. Paul Hospital and the historic association with Parkland Memorial Hospital, the University of Texas Southwestern Medical School has a total package.

So biomedical research, not only bigger, but better in Texas.

□ 1415

PRISONER REENTRY

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

Mr. DAVIS of Illinois. Mr. Speaker, on yesterday, I had the delightful experience of attending the very first meeting of the commission just established by the Governor of Illinois to look seriously at the whole question of prisoner re-entry, what to do with the 35,000, 36,000 people returning home from prison in our State. I want to commend the Governor of Illinois for his farsighted vision in looking at one of the pernicious problems facing urban America. We look forward to some productive action coming from that commission. Mr. Governor, I thank you.

ROTARY INTERNATIONAL DAY

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

Mr. PRICE of Georgia. Mr. Speaker, today I rise in support of H. Res. 142, celebrating and honoring Rotary International with a day of recognition.

As a Rotary member and past president of my hometown club, I can attest to the remarkable accomplishments of Rotary International, which was founded over 100 years ago, the world's first service club, and is now one of the largest nonprofit service organizations in the world. ''Service above Self,'' the club's motto, has inspired members to provide humanitarian assistance and promote international good will. Rotary International funds club projects and sponsors volunteers around the

community and worldwide. In 1985, Rotary International launched Polio Plus and spearheaded efforts to immunize the children of the world against polio. Since then, polio cases have dropped 99 percent, and the world now stands on the threshold of eradicating this dreaded disease.

Mr. Speaker, Rotarians live by the 4-way test: Is it the truth? Is it fair to all concerned? Will it build good will and better friendships? And will it be beneficial to all concerned?

Would not we all be better off if we adopted this creed? Congratulations Rotary International.

THE UNITED NATIONS

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

Mr. GOHMERT. Mr. Speaker, I do applaud the comments being a Rotarian. Rotary International has done a great deal.

But I rise today because, yesterday, we heard and read news reports of the United Nations efforts to keep secret the very information with which it should have been most forthcoming. At a time when the United Nations' reputation for trust, justice, fairness and following its own rules is at an all time low, it should be doing everything it can to bring information to light, whether it is good or bad.

However, this United Nations and apparently its leader has far more guilty culpability than many of us ever suspected. The United Nations' leadership seems united in one thing: Do not let people discover the truth. The U.N. leadership, if it spent half the time lining the fabric of freedom as it is alleged to have done in lining the pockets of his family and friends, we would not have these problems.

If the U.N. is going to cover up the wrongs it has done from those who pay for the U.N., then it is high time we cover our U.S. bank account from them. We are literally paying them to hire guns, to hide information from us. Organized crime is said to have cleaners that come in and clean up after illegal activity. Sounds like the Secretary General himself has full-time cleaners on his staff.

It is time to hold the U.N. accountable.

TAX CUTS

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

Mr. DREIER. Mr. Speaker, at the end of last week, we got reports of an unanticipated surge in revenues to the Federal Treasury. Many people on this House Floor from the other side of the aisle for a long period of time decried the prospects of the Bush tax cuts, saying that they would take our economy right into the tank and ensure that we would never be able to balance the Federal budget.

Well, the fact of the matter is, Democrats and Republicans alike now talk about the need to focus on fiscal responsibility and turning the corner on the massive Federal deficit that we have. The single most important thing that we can do is to make sure that the economy is growing.

And we, by virtue of putting into place the tax cuts in the last 3 years, have actually dramatically increased through those tax cuts by 29 percent the flow of revenues to the Federal Treasury, beyond what had been anticipated. Our policy of making sure that we grow the economy is critically important.

Another component of that will be passage of the Central American Free Trade Agreement, which we will be voting on in the not-too-distant future. It is critically important that we keep this pro-growth agenda moving so that we can, in fact, have the revenues we need to balance the budget.

COMMUNICATION FROM CHAIRMAN OF JOINT COMMITTEE ON THE LIBRARY

The SPEAKER pro tempore (Mr. KOLBE) laid before the House the following communication from the Honorable BOB NEY, Chairman of the Joint Committee on the Library:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON THE LIBRARY,
Washington, DC, May 6, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
H–232 The Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 101–696 Section 801 (40 USC para. 188a(b)) the Chairman of the Joint Committee on the Library is provided a position on the Capitol Preservation Commission.

I am appointing Mr. JOHN MICA of Florida to be my designee as provided for in Public Law 101–696 section 801 (40 USC para. 188a(c)).

Thank you for your attention to this matter.

Sincerely,

BOB NEY,
Chairman, Joint Committee on the Library.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CHARLES ''PETE'' CONRAD ASTRONOMY AWARDS ACT

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1023) to authorize the Administrator of the National Aeronautics and Space Administration to establish an awards program in honor of Charles ''Pete'' Conrad, astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories.

The Clerk read as follows:

H.R. 1023

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 ''Charles 'Pete' Conrad Astronomy Awards Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration;

(2) the term ''amateur astronomer'' means an individual whose employer does not provide any funding, payment, or compensation to the individual for the observation of asteroids and other celestial bodies, and does not include any individual employed as a professional astronomer;

(3) the term ''Minor Planet Center'' means the Minor Planet Center of the Smithsonian Astrophysical Observatory;

(4) the term ''near-Earth asteroid'' means an asteroid with a perihelion distance of less than 1.3 Astronomical Units from the Sun; and

(5) the term ''Program'' means the Charles ''Pete'' Conrad Astronomy Awards Program established under section 3.

SEC. 3. PETE CONRAD ASTRONOMY AWARD PROGRAM.

(a) IN GENERAL.—The Administrator shall establish the Charles ''Pete'' Conrad Astronomy Awards Program.

(b) AWARDS.—The Administrator shall make awards under the Program based on the recommendations of the Minor Planet Center.

(c) AWARD CATEGORIES.—The Administrator shall make one annual award, unless there are no eligible discoveries or contributions, for each of the following categories:

(1) The amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers.

(2) The amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloguing near-Earth asteroids during the preceding year.

(d) AWARD AMOUNT.—An award under the Program shall be in the amount of $3,000.

(e) GUIDELINES.—(1) No individual who is not a citizen or permanent resident of the United States at the time of his discovery or contribution may receive an award under this Act.

(2) The decisions of the Administrator in making awards under this Act are final.

(f) AUTHORIZATION OF APPROPRIATIONS.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks and include extraneous material on H.R. 1023, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, during my recent tenure as chairman of the Subcommittee on Space and Aeronautics of the Committee on Science, one of my top priorities was to mitigate the threat posed by near-Earth objects. The hearings of our subcommittee have revealed that monitoring and tracking near-Earth objects, that is, NEOs, such as comets and asteroids, not only advance astronomy but are critical to identifying the near-Earth objects that may threaten the Earth.

Mr. Speaker, just as recently as last December, an asteroid 350 yards in diameter, named 2004 MN4, was discovered to have an orbit that will take it less than one-tenth of the distance from here to the moon. That is right in the region of where our artificial satellites are, and that will happen in the year 2029.

According to NASA JPL and the Minor Planet Center at the Smithsonian Astrophysical Observatory, several additional close encounters are possible in the next decade or two, and thus, we have one coming very close soon. And we have some that are predicted shortly thereafter. The hazard associated with such an asteroid hitting this planet is fairly well known. It could flatten an area the size of Texas or perhaps Colorado, I would say to the gentleman from Colorado (Mr. UDALL), or Tennessee or any of the other States and cause significant tsunami damage to coast lines throughout the world.

We cannot assess the risk or likelihood of such an event unless we know what is out there. Accounts of asteroids passing close to the earth have raised public awareness of the possibility that one day one of these objects could hit the earth with potential catastrophic consequences. Given the vast number of asteroids and comets that inhabit the Earth's neighborhood, greater efforts for tracking and monitoring these objects is critical.

This is why I authored H.R. 1023, the Charles ''Pete'' Conrad Astronomy Awards Act. This bill is strongly supported by NASA, the Smithsonian Institute and our colleagues across the aisle. This is truly a bipartisan effort. I thank them all. H.R. 1023 authorizes the NASA administrator to give one award each year to the amateur astronomer or group of amateur astronomers who discover the intrinsically brightest near-Earth asteroid among the near-Earth asteroids discovered in that preceding year by amateur astronomers. Another award will go to the amateur astronomer or group of amateur astronomers who made the greatest contribution during the preceding year to the Minor Planet Center's catalog of known asteroids. The recipients of the awards will receive $3,000, and it is limited to U.S. citizens or permanent residents.

This bill is a tribute to Pete Conrad for his tremendous contributions to our country, to the world and to the aerospace community over four decades. Pete Conrad was a pilot, an explorer, an entrepreneur of the highest caliber. He was a friend of mine who lived in Huntington Beach. He commanded *Apollo XII*, and during that mission, he became the third man to walk on the moon. He saw space as a place to get to and to explore and to do business. Space exploration and commercialization is what he was all about. It was his job to explore the moon and to get to know the heavens better. He then worked to develop a new spacecraft and a new space transportation system. That is when I got to know him the best, a few years ago.

An interesting aside, the analysis of an orbiting object identified by an amateur astronomer, and that is just recently, suggests that instead of a near-Earth object being an asteroid, what was identified were the remains of the Saturn V rocket, third stage, which most likely came from Pete Conrad's Apollo mission.

So I find no better way to honor Pete Conrad, who died just a few years ago tragically in a motorcycle accident, than to establish this annual astronomy award for future asteroid discoveries in his name. He always wanted people to be looking up. He always wanted people to be positive. He was a can-do American with a very positive spirit, American spirit. He, in fact, exemplified the American spirit more than any person I have ever met. He was often remembered of course not only for his walk on the moon but his historic description of the moon landing and also, I might add, his historic description of the take off of his rocket, which was, ''whoopee''. Well, that was the Pete Conrad we knew. And he was excited about life and excited about technology as expanding the horizons of our people and the safety of this planet.

Films like Armageddon and Deep Impact of a few years ago excited large audiences, but it is vital for all of us to realize that this is not just the movies we are talking about. This is not science fiction. We all know that Earth's moons and other planetary objects are covered with impact craters. Most people have heard of the dinosaur extinction theory or perhaps seen a picture of this meteor and crater in Arizona suggesting that the craters on the moon and these other places could well have had serious impact on the Earth and may well have that impact in the future. However remote the possibility of a near-Earth object striking the Earth and causing a worldwide calamity, no matter how obscure or how remote that is, there is a calculable threat, and we should know what that threat is.

And while the asteroid that is believed to have killed the dinosaurs is estimated to have occurred many many years ago and will only occur once every 100 years, smaller, yet still hazardous asteroids could impact Earth much more frequently. For example, the destructive force of an asteroid that struck Siberia in 1908 was roughly equal to a 10-mega-ton blast of TNT.

Ironically, if we look at asteroids from the perspective of our national goals in space, they offer us not just a threat that we are looking at but also a unique opportunity. This is one reason that we should be tracking these asteroids, because in terms of pure science, asteroids are good geological time capsules from the era when our solar system was formed. Even better, they are orbiting mines for metal, for materials and other resources that can be possibly used to build large structures in space without having to carry up the materials to build those structures from the Earth. So far, NASA has surveyed 650 asteroids. But this is a fraction of the projected total population of asteroids and near-Earth objects. What needs to be done now is to fully understand near-Earth objects and the potential threat and, yes, the potential use that they could pose for the world.

In closing, asteroids deserve a lot more attention from the scientific community and from the American people. The first step to tracking them and tracking sizable near-Earth objects is H.R. 1023, and it is a modest step. But what we are doing is mobilizing the amateurs and the young people and the private sector, if you will, and students throughout the country to look up and enlisting them in this effort. Nothing could be better for encouraging young people to get involved in the space program, to have them involved in trying to win this award and looking out into the heavens and identifying what they see. I would suggest that this small award will have an enormous impact on the number of young people that are involved in astrology and thus involved in America's space program.

□ 1430

I would urge my colleagues to vote for H.R. 1023 which will encourage young people, in particular, as I say, to look up; and let us all as we pass this bill remember Pete Conrad and the great space entrepreneurs and the great space explorers that are leading the way for the next generations of Americans which will go a long way towards filling and fulfilling the legacy left by Pete Conrad.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume. I rise today with my good friend, the gentleman from California (Mr. ROHRABACHER), to speak in favor

of H.R. 1023, the Charles ''Pete'' Conrad Astronomy Awards Act.

This bill is a thoughtful measure that establishes an awards program to encourage efforts by amateur astronomers to detect and catalog near-Earth asteroids.

As the gentleman from California (Mr. ROHRABACHER) pointed out, near-Earth asteroids are of interest for a number of reasons. Scientifically, they provide a window into the earliest days of the solar system. Some of the near-Earth asteroids are also thought to contain valuable minerals and ores that could be mined by future generations. Finally, there is a growing consensus that near-Earth asteroids have impacted the Earth at various times in its history, resulting in widespread extinction of animals and plants. For that reason alone, I think it makes very good sense to learn more about these objects.

NASA, of course, has been conducting research on asteroids and comets for a long time. I agree with the gentleman from California (Mr. ROHRABACHER) that the amateur astronomy community offers an important additional source of observations. Moreover, as one who is very interested in promoting science education and outreach, I believe that H.R. 1023 offers a constructive, low-cost way of stimulating public interest in astronomy.

I want to congratulate the gentleman from California (Mr. ROHRABACHER) on his initiative. I think it is a sensible measure. I urge my colleagues to suspend the rules and pass H.R. 1023.

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

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

Mr. Speaker, let me note that there are a lot of people who poo-pooed this idea of near-Earth objects and said, you are just trying to scare people, or whatever. And after the movie ''Deep Impact'' and such, that maybe this is some sort of scare tactic or you are trying to get attention by talking about something, a threat that is so minuscule that why should we worry about it.

Well, several years ago, I chaired a hearing into the near-Earth object issue, and one of the witnesses who was poo-pooing this idea and downplaying the risk suggested that the chances of me dying from this near-Earth object striking the Earth were the same chances that I would have of going to Las Vegas and having a royal straight flush. And it was a shocking thing for him to tell me that because, Mr. Speaker, I did go to Las Vegas once and had a royal straight flush and it was amazing.

I said that happened to me, and the fact is that, yes, it is unlikely that people will get royal straight flushes and it is unlikely that we will have near-Earth objects destroying all of humankind, but we should nevertheless be prepared if there is a possible way to avert a catastrophe by having knowledge of a near-Earth object heading in our direction.

Also, as the gentleman from Colorado (Mr. UDALL) described, if near-Earth objects are coming close to the Earth, they pose a great opportunity for us as well as create a threat if they were headed towards us. We should be prepared, number one, to try to alter the course if it is a dangerous course towards the Earth of a near-Earth object; but we should also be prepared to take advantage of the potential if there is a near-Earth object coming near the Earth to utilize it for a number of things like mining or studying the nature of the universe.

With this said, I cannot think of a better tribute to Pete Conrad who fought in World War II and who protected our country but also moved on and made great contributions to his country through the space program than to have this, as a civilian, I might add, in a civilian entrepreneur mentality that Pete exemplified. All of these are encompassed in this bill: safety and prosperity and accomplishment.

With that said, I ask my colleagues to join me in voting for this Pete Conrad bill, H.R. 1023.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

I will be brief. I just want to second what the gentleman from California (Mr. ROHRABACHER) has outlined here, that the Earth has been hit over geologic times by a number of asteroids and bodies outside the orbit of the Earth. And it would be a smart thing for us to do to better understand the potential impacts and effects.

Secondly, I just wanted to lend my voice to those of us here who admired Pete Conrad and think this is a very suitable way to keep his legacy alive and to inspire, particularly young people, as we have discussed here today, to go into this exciting world of astronomy and space exploration. Pete Conrad is a shining example of that.

It is with pride and excitement that I want to acknowledge the efforts of the gentleman from California (Mr. ROHRABACHER). I urge all the Members to vote for this important piece of legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise as a strong supporter of H.R. 1023, a bill that authorizes the Administrator of the National Aeronautics and Space Administration to establish an awards program in honor of Charles 'Pete' Conrad, who was an astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories. Let me thank my colleague on the Science committee, Mr. ROHRABACHER for introducing this resolution and seeing it through for final passage. This resolution honors the scientific contributions of the past, while also recognizing the scientific discoveries of the future.

Known for his sense of humor and infectious grin, Charles P. Conrad, as commander of the Apollo 12 mission, was the third person to walk on the moon. Not a tall man, Conrad stepped down onto the lunar surface in November of 1969 and cheerfully commented, "Whoopie! Man, that may have been a small one for Neil, but that's a long one for me." Born June 2nd, 1930 in Philadelphia, Pennsylvania, he graduated from Princeton University in 1953 and went on to become a Navy test pilot. Selected as a NASA astronaut in 1962, Conrad in 1965 went on his first space flight—the endurance record setting Gemini 5 mission. His final space flight was to Skylab in 1973.

Unfortunately, Conrad died from injuries in a motorcycle accident on Thursday, July 8, 1999. Today, we have a chance to ensure that his legacy lives on. In addition, we have the opportunity to recognize the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories. This is indeed a worthwhile resolution because it allows us to celebrate a great man of science and recognize the amateur astronomer of today. So, I urge my colleagues to support this meaningful legislation.

Mr. CALVERT. Mr. Speaker, I appreciate my colleague, Congressman DANA ROHRABACHER, introducing this important legislation honoring our late California constituent, Charles "Pete" Conrad, for his remarkable achievements in spaceflight as well as his contribution to the U.S. aerospace industry. Pete was a great American and this is a tribute to his contributions to space and to science.

Pete Conrad was an individual who was always pushing the envelope with an exuberance that matched his animated personality and sense of humor. Pete's first flights were in the Gemini program, where he established both the record for endurance and for altitude in space. Then, as the commander of *Apollo XII*, he became the third man to walk on the Moon—to which he exclaimed in his typical enthusiastic manner, "Whoopie! Man, that may have been a small one for Neil, but it's a long one for me.'' His final National Aeronautics and Space Administration mission was a commander of Skylab II, the first United States space station.

Once he left the Astronaut Corps, Pete delved into what was then the nascent aerospace industry. He worked to sell the industry to the American people and to excite them on the possibilities of the return to and the colonization of the Moon, the development of single-stage-to-orbit vehicles, and in the exploration of the solar system. During this time, Pete stayed with his love of anything that would go fast—airplanes, helicopters, cars and motorcycles. He raced helicopters across the country; he raced airplanes in air shows; and he raced motorcycles in local races. Tragically, he died from injuries resulting from a motorcycle accident in 1999 and at the age of 69 in Ojai, CA.

This bill, which honors Pete Conrad and is a tribute to his wife Nancy, encourages young people to get involved in astronomy by offering prizes to amateurs for their contributions to

astronomy by either discovering the brightest near-Earth object or by the cataloging of near Earth objects. What better way to get our children interested in science and in paying tribute to this great American.

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

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

The SPEAKER pro tempore (Mr. KOLBE). The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 1023.

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

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT OF THE HISTORIC MEETING OF THE ASSEMBLY TO PROMOTE THE CIVIL SOCIETY IN CUBA

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 193) expressing support to the organizers and participants of the historic meeting of the Assembly to Promote the Civil Society in Cuba on May 20, 2005, in Havana.

The Clerk read as follows:

H. RES. 193

Whereas Fidel Castro's terrorist regime has continued to repress all attempts by the Cuban people to bring democratic change to Cuba and denies universally recognized liberties, including freedom of speech, association, movement, and the press;

Whereas thousands of political prisoners are currently imprisoned by Fidel Castro's totalitarian regime;

Whereas in March 2003 Fidel Castro carried out a massive, island wide crackdown on members of Cuba's pro-democracy movement, under which pro-democracy activists were arrested, subjected to ''summary trials'', and sentenced to up to 28 years in prison for their pro-democracy activities;

Whereas the Department of State's 2004 Country Reports on Human Rights Practices, in referring to Castro's Cuba, states: ''Members of the security forces and prison officials continued to beat and abuse detainees and prisoners, including human rights activists. . . . Prison conditions remained harsh and life threatening, and the Government restricted medical care to some prisoners as a method of control. Prisoners died in jail due to lack of medical care.'';

Whereas on May 20, 1902, the Republic of Cuba obtained its independence;

Whereas in the spirit of Jose Marti, many of the future leaders of a free Cuba have called for a meeting of the Assembly of the Civil Society in Cuba, an organization that consists of over 360 opposition and civil society organizations in Cuba;

Whereas on May 20, 2005, the Assembly to Promote the Civil Society in Cuba seeks to convene an historic meeting in Havana on the 103rd anniversary of Cuban Independence;

Whereas the Assembly to Promote the Civil Society in Cuba will focus on bringing democracy and liberty to the enslaved island of Cuba;

Whereas the Assembly to Promote the Civil Society in Cuba is led by three courageous pro-democracy opponents of the Castro regime—Martha Beatriz Roque Cabello, Felix Bonne Carcasses, and Rene Gomez Manzano;

Whereas organizers and participants are convening a meeting of the Assembly to Promote the Civil Society in Cuba at great risk to themselves and their families; and

Whereas President George W. Bush stated in his second inaugural address on January 20, 2005: ''All who live in tyranny and hopelessness can know: the United States will not ignore your oppression, or excuse your oppressors. When you stand for your liberty, we will stand with you. Democratic reformers facing repression, prison, or exile can know: America sees you for who you are—the future leaders of your free country.'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its support and solidarity to the organizers and participants of the historic meeting of the Assembly to Promote the Civil Society in Cuba on May 20, 2005, in Havana;

(2) urges the international community to support the Assembly's mission to bring democracy to Cuba;

(3) urges the Administration and international community to actively oppose any attempts by the Castro regime to repress or punish the organizers and participants of the Assembly; and

(4) shares the pro-democracy ideals of the Assembly to Promote the Civil Society in Cuba and believes that this Assembly and others will hasten the day of freedom and democracy for the people of Cuba.

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

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

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 193.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of House Resolution 193, and I commend the gentleman from Florida (Mr. MARIO DIAZ-BALART) for writing this important measure and bringing it to the floor. I would like to also thank the gentleman from Illinois (Mr. HYDE) and the ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS), as well as the House leadership, for helping us bring this resolution to the floor in such an expeditious manner.

Mr. Speaker, even the most violent and repressive dictatorships cannot extinguish freedom when it lives in people's hearts, and Cuba is no exception. The dictator Fidel Castro has always used fear to keep himself and his cronies in power.

Two years ago, the tyrant again attempted to silence the cries for liberty and democracy that emanate from every corner of the Cuban gulag. He arrested over 75 dissidents and sentenced them to prison terms each up to 25 years. What were their crimes? Simply daring to exercise their fundamental freedoms, for daring to be free men and women.

These 75 are just some of the most recent ones. There are many more Cuban prisoners of conscience who languish in squalid jail cells. However, Mr. Speaker, all of Cuba is an island prison; and today we rise to commend and support the activities of Cuba's peaceful internal opposition.

On May 20, Cuba's democratic opposition will convene in an Assembly to Promote the Civil Society in Cuba. This historic meeting will discuss ways to bring democracy and liberty to the nation of Cuba, which has suffered under a brutal dictatorship for more than four decades. May 20, 2005, will also mark the 103rd anniversary of the Cuban Republic, of Cuba's birth as a free nation.

Yet the Cuban opposition is determined to correct this injustice and reclaim their rights as free people in a free, democratic, and sovereign nation. The May 20th Assembly to Promote Civil Society in Cuba is an important step toward the fulfillment of this goal.

Martha Beatriz Roque Cabello, Felix Bonne Carcasses, and Rene Gomez Manzano and many others are the organizers of this landmark meeting. Despite the risks and the constant threats that the dictator holds over their heads, they are living examples to their countrymen of courage and determination, of how to follow in the footsteps of Pope John Paul, II, and be not afraid.

Just recently, a group of young Cubans held an essay contest focusing on a democratic transition in Cuba. One of the finalists, Edgar Lopez Moreno, struck a chord that doubtless resonates with the vast majority of his countrymen. He wrote: ''After 46 years of political ostracism and imposition by the Communist Party and its maximum leader, today the process of transition to democracy on the island is closer than ever.''

The winds of freedom are behind the Cuban opposition. The just nature of their cause has given them wings. Soon democracy will take flight in Cuba. Soon the Cuban people will free themselves from the grip of this dictator, but they need our help. They need our support, and it begins here and now.

I urge my colleagues to stand with these brave Cubans by joining me in voting for the resolution of the gentleman from Florida (Mr. MARIO DIAZ-BALART) today.

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

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

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, I too

want to commend the gentleman from Illinois (Mr. HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for facilitating consideration of this resolution. I also want to thank my good friend, the gentleman from Florida (Mr. MARIO DIAZ-BALART), the sponsor of this resolution, and the gentleman from New Jersey (Mr. MENENDEZ), the ranking Democrat on the Subcommittee on the Western Hemisphere, for his never-ending battle for human rights in Cuba.

Mr. Speaker, 2 weeks ago on the House floor, we chastised the Cuban regime for its inexcusable continued detention of political dissidents, many of whom are jailed because of their conviction to seek freedom and democracy in Cuba. Unfortunately, there is no indication from Castro that he ever plans to implement political and economic reforms that would give hope to the approximately 11 million citizens on the island who have suffered for far too long.

Many internationally recognized human rights groups like Amnesty International and Human Rights Watch have denounced Castro's brutal dictatorship over the years and called for reforms, the release of political prisoners, and urged the totalitarian government to respect basic human freedoms.

This year the Human Rights Commission called attention to the injustices which continue to be inflicted upon those innocent individuals who toil in Castro's prisons. Undeterred, thousands of brave Cubans have sought to bring about political change through opposition and civil society organizations which are loosely coordinated by the Assembly of the Civil Society in Cuba.

The assembly is planning a historic meeting next week on the 103rd anniversary of Cuban independence. Mr. Speaker, I would like to encourage the organizers of the meeting of the assembly to include in the meeting political dissidents who may disagree with them about whether to engage officials within Castro's government on the transition process, in particular, the supporters of the Varela Project, a grassroots, non-violent, citizens' movement in Cuba that seeks fundamental political change by petitioning the Cuban government for a referendum on reform according to that country's constitution.

These groups should feel as though they are welcome within the broader coalition that opposes Castro's policies. Regardless of which groups of political activists attend the assembly, I am concerned that Castro's henchmen will once again try to suppress dissent through the use of force. As a result, I strongly concur with the sentiment expressed in the resolution urging the administration and the international community to stand ready to respond to such an atrocity.

This resolution demonstrates our unequivocal commitment to stand shoulder to shoulder with the Cuban people if such an unjustified response were to occur. As a result, Mr. Speaker, I strongly urge my colleagues to support House Resolution 193.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MARIO DIAZ-BALART), the author of the resolution.

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Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the gentlewoman from Florida, also my dear friend the gentleman from Florida (Mr. WEXLER) from West Palm Beach.

Today, Congress is supporting these brave individuals in Cuba who, despite all of the dangers, are standing up for freedom, are standing up for democracy, from within Cuba, from within that totalitarian island.

The three main organizers, Martha Beatriz Roque Cabello, Felix Bonne Carcasses, and Rene Gomez Manzano, all three of which have suffered prison time by the Cuban dictatorship, are standing up because they know that the answer to the problems that the Cuban people face is simply just one: It is freedom, total, absolute freedom.

That entails the release of all political prisoners. It entails political parties. It entails freedom of press. It entails free elections, and they are standing up from within Cuba and with many other hundreds of their countrymen who are standing up, having this event on May 20 to express their sentiment and also to prepare and work for a free Cuba.

This resolution, Mr. Speaker, extends and supports solidarity to the organizers and to the participants of the Assembly to Promote the Civil Society, which again is on May 20 in Havana.

It urges the international community to support the assembly of these heroes that are standing up for freedom despite the risk.

It urges the administration and also the international community, Mr. Speaker, to oppose any attempts by Castro's terrorist regime to punish or repress the organizers and the participants.

It obviously shares, also, Mr. Speaker, the pro-democracy ideals of the assembly.

The commissions, Mr. Speaker, that these individuals are working with are hard to believe. The Department of State's 2004 Country Reports on Human Rights Practices, referring to the Castro regime, states the following:

''Members of the security forces and prison officials continued to beat and abuse detainees and prisoners, including human rights activists. Prison conditions remained harsh and life threatening, and the government restricted medical care to some prisoners as a method of control. Prisoners died in jail due to lack of medical care.''

President Bush said, Mr. Speaker, in his second inaugural address, and I am quoting him now, ''All who live in tyranny and hopelessness can know: The United States will not ignore your oppression or excuse your oppressors. When you stand for your liberty, we will stand with you.''

The Cuban people are standing tall, Mr. Speaker, for their freedom. Today, by voting for this resolution, the United States Congress stands with them, lets them know that they are not alone, that despite all the risks, despite the horrendous conditions that they are facing on a day-to-day basis, the United States Congress stands with them, admires them and supports what they are doing.

Cuba will be free because of the efforts of the heroic Cuban people, and it is wonderful, Mr. Speaker, to see that the Congress of the United States, once again, is supporting the Cuban people in their efforts, in their struggle to be free.

Mr. WEXLER. Mr. Speaker, I yield as much time as he may consume to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the distinguished gentleman from south Florida (Mr. WEXLER) for the time.

This resolution is very important because it continues the very important, historic tradition begun here in this Congress, by this Congress in April of 1898 when, after a century of fighting by the people of Cuba for the independence of Cuba, the United States, because of the Congress of the United States, came out in support of Cuban independence. In April of 1898, this Congress passed what is very well-known in Cuban history, the joint resolution that recognized that Cuba is and of right ought to be free and independent. So this Congress began a tradition in April of 1898 that continues to this day, a tradition in support of the right of the Cuban people to be free.

For the last 46 years, the Cuban people unfortunately have been under the boot of a totalitarian dictatorship that, while it has perhaps been the most inept, certainly one of the most inept of the Communist dictatorships in having achieved the systematic, utter destruction of what was one of the most prosperous economies in this hemisphere; in that sense, it has been absolutely inept. In terms of totalitarian control, it has been quite effective, and it maintains an absolute, intense oppression over the Cuban people to this day.

My colleagues have mentioned the onslaught of 2 years ago that was condemned by a resolution offered by the gentleman from New Jersey (Mr. MENENDEZ) a few weeks ago, and it was condemned by this House, the absolute campaign, if you will, of the march of 2003 that arrested dozens and dozen and dozens, almost 100 pro-democracy leaders and threw them in prison, but the campaign continues.

The campaign of oppression and intimidation, beginning in January of this year, the totalitarian Communist regime in Cuba has begun a systematic campaign of ethnic cleansing. Hundreds of young people, mostly young men, 95 percent of whom are black, have been rounded up and thrown in prisons beginning in January of this year in what the dictator calls Operation Containment, containment of the young people.

Now, this assembly was organized, as has been mentioned by my distinguished colleagues, by Martha Beatriz Roque Cabello and Felix Bonne Carcasses and Rene Gomez Manzano, is an important, historic development. There are some people who now say that we must reject the subterfuge seeking to attack this assembly, that they have not invited all pro-democracy groups. All pro-democracy groups, the organizers of this assembly have invited all individuals and organizations within Cuba who support democracy. Some say then they have not been invited. In fact, they have been invited, but that is not the problem of the organizer. That is the problem of somebody else, very important.

This is an important, extremely valiant effort that over 360 civil society groups, pro-democracy groups within the island have called for, and they seek to meet on May 20. So what this Congress today is saying is: We support you. We know what you are doing. We know the courage that it entails to say, within a totalitarian state, that a meeting will be held in support of freedom and democracy and free elections and the legalization of political parties and freedom of religion and freedom of the press and freedom of expression. Within the totalitarian state, to say that there will be a meeting engaged in such discussion is really a heroic act, and so today, what we are saying is that we recognize that, and we support you.

Simply to end, Mr. Speaker, as I commend the gentleman from Florida (Mr. MARIO DIAZ-BALART) for having brought forth this resolution today in such an important and timely manner, I simply want to read the names of some of the thousands of political prisoners who cannot have their voices heard. Obviously, they all deserve to be heard, but I would like to read some of their names.

It is my privilege and honor to serve in this Congress with my brother Mario, where there are two brothers who are serving in prison in Cuba simply because they came out publicly in support of freedom and democracy. One brother, Jose Daniel Ferrer Garcia, was sentenced to 25 years in the gulag for his support of democracy. The other one, Luis Enrique Ferrer Garcia, was sentenced to 28 years in the gulag because he supports democracy.

Someone who I admire very much, I have followed his long and distinguished fight for freedom for many years, has been languishing since 1990, mostly in solitary. His name is Jorge Luis Garcia Perez, also known Antunez. He was sentenced to 18 years because, ever since he was in high school, he said he favors democracy and rejects totalitarianism, and so he has suffered the consequences since then.

Juan Carlos Herrera Acosta, 20 years in the gulag.

Diosdado Gonzalez Marrero, 20 years in the gulag.

Felix Navarro Rodriguez, 25 years.

Prosperso Gainza Aguero, 25 years.

Hector Maseda Gutierrez, 20 years.

Claro Sanchez Altarriba, 15 years.

Victor Rolando Arroyo, 26 years.

And perhaps the best known, certainly someone who is a symbol of resistance, character, dignity, as all these men and women are, Dr. Oscar Elias Biscet, 25 years.

There are thousands, Mr. Speaker, of men and women like this, many, by the way, charged with what they call in the totalitarian system common crimes, like seeking to leave, seeking to flee to freedom. That is a common crime. So the regime does not even recognize them as political prisoners. There are thousands of political prisoners in Cuba such as these men whose names I have read. We owe them our solidarity.

Today, we are expressing our solidarity, and specifically through this resolution, our solidarity with the meeting convened for May 20, which will seek to develop ways to hasten what is inevitable, and that is an end to the totalitarian nightmare and the commencement of the dawn of freedom.

Mr. MACK. Madam Speaker, I rise to express my strong support for this resolution—sponsored by my distinguished friend and neighbor, Mr. MARIO DIAZ-BALART of Florida—which recognizes the upcoming Assembly To Promote Civil Society in Cuba.

I am proud to associate myself with causes that seek to increase freedom, security, and prosperity for people throughout the world. On May 20th, we will mark Cuban Independence Day. This is the day Cuba proclaimed to the world its sovereignty and independence. Sadly, freedom for the Cuban people was short-lived. The world stood by as Cuba lost its liberty and slipped into the abyss of authoritarian rule and the clutches of Fidel Castro's thuggish regime.

Madam Speaker, today Cuba is a lonely island nation separated by 90 miles from the greatest beacon of freedom the world has ever known—the United States. Many in Cuba thirst for the waters of liberty, only to see those yearnings suppressed by a brutal dictator.

America has always stood for freedom, and always will. Under the leadership of President George W. Bush, we have endeavored to spread liberty to the Middle East and throughout the world. It is past time to shine the light of freedom on the despotic regimes in our own backyard.

Madam Speaker, I strongly support the right of the Cuban people to live in a free and democratic society. I am confident that the Assembly To Promote Civil Society in Cuba will help spark the flame of liberty on the island and the rest of the Americas. I urge my colleagues to stand for liberty and to champion the spirit of freedom for the people of Cuba.

Mr. MENENDEZ. Madam Speaker, I am proud to join a bipartisan group of original cosponsors of this resolution which supports the development of democracy and civil society in Cuba. As you know, on May 20th, opposition leaders are organizing a historic Assembly on the 103rd Anniversary of Cuban independence.

In this momentous meeting of 365 irdependent organizations, Cuba will hear a dialogue of freedom and progress. This Assembly will continue a discussion—from within Cuba—of how to begin the process of reconstructing a democratic culture, promoting civil society, combating poverty, and establishing labor rights. They are Cuba's bravest and brightest—they are Cuba's future.

Who among us would not be supportive of the right to peaceful assembly and public discourse? That is what this resolution and Cuban civil society is calling for on May 20th.

As we learned in a Western Hemisphere Subcommittee hearing early this year, the organizers and the participants in this event are risking their personal freedom for the freedom of the Cuban people.

This resolution makes it clear that we oppose any attempt by the Castro regime to repress or punish the organizers and participants of the Assembly, as Castro has done with so many others who have spoken out against repression. News reports indicate that Cuban dissidents who are choosing to participate in the Assembly are already being harassed.

This past April 20th—not even a month ago—three of these dissidents took the time to speak to many of us about their situation. They told of the beatings, detentions, interrogations, harassment and political slander which they and other dissidents are being subjected to as the Cuban regime continues to try to repress and de-legitimize their struggle for freedom.

And let us not forget the crackdown on human rights two years ago, when Castro arrested 75 dissidents, subjected them to summary trials, and sentenced them to long jail terms. Many of the prisoners, along with other prisoners of conscience, spent over a year in solitary confinement. Some have been deprived of adequate medical treatment, and reports from Cuba detail beatings and harassment.

Clearly, the Castro regime has no respect for the Universal Declaration of Human Rights, which states in Article 4 that, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

That is why I am proud of my resolution that passed with bipartisan support condemning Castro's brutal crackdown and demanding that the Cuban regime immediately release all political prisoners, legalize all political parties, labor unions, and the press, and hold free and fair elections.

On that day, we came together from both sides of the aisle, to stand together for a universal cause, human rights, and to celebrate the strength and perseverance of the Cuban people.

That is why I urge all of my colleagues to support this resolution. This resolution

says again that we stand behind those who risk repression and harassment to bring freedom to their long-suffering people.

It says that the international community is watching Castro, and that we will not accept the abuses of human and civil rights that the Castro regime employs so indifferently.

And it says that we believe in the Assembly and the ability of a group of individuals with a strong faith in democracy to free their people from a tyrant's restrictive grasp.

To my brothers and sisters who suffer in Castro's jails, under his regime, to their families and friends both here in the United States and in Cuba, to the leaders and participants in the Assembly to Promote Civil Society in Cuba, and to the Cuban people, I say that Castro's days are numbered. Over a hundred years ago, the Cuban people won the battle against brutality and oppression and fought for their freedom. I have no doubt that we will win again. I look forward to that day, which is coming soon, when on May 20, our independence day, we will all celebrate a free and democratic Cuba.

I urge my colleagues to vote ''yes'' on this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H. Res. 193, which expresses support for the courageous advocates of freedom in Cuba, who are gathering ten days from now in Havana for the first Assembly to Promote the Civil Society conference which will focus on bringing democracy, liberty, and the rule of law to this enslaved island.

Madam Speaker, in recent years, this House has overwhelmingly passed numerous resolutions condemning the egregious human rights violations of the Castro regime. These violations, which have been continually cited through comprehensive, compelling reports, include the pervasive use of torture and vicious beatings of political prisoners. We know that this year the UN Convention on Human Rights in Geneva also passed a resolution condemning the government of Cuba's deplorable human rights record.

Today, we celebrate those brave Cubans who have been undaunted by Castro's reign of terror and who continue to speak out fearlessly for freedom in Cuba. Mr. Speaker, I note that on March 3, three of the main organizers of the Assembly to Promote the Civil Society testified via telephone at a joint hearing I chaired with the Africa, Global Human Rights, and International Operation Subcommittee and the Western Hemisphere Subcommittee. The hearing was appropriately entitled ''Year Two of Castro's Brutal Crackdown on Dissidents.''

The three who spoke at this hearing were Martha Beatriz Roque, an internationally renowned Cuban economist; Felix Bonne, a Cuban engineering professor; and Rene Gomez Manzano, a Cuban attorney. All three have spent time in Cuba's prisons for their pro-democracy activities and co-authored a book, ''The Homeland Belongs to Us.'' The courage they demonstrated through testifying was truly inspiring and they provided a tremendous witness of the desire of the Cuban people to be free.

Martha Beatriz Roque was arrested in the now infamous March 2003 crackdown of Cuba's bravest and brightest were rounded up, paraded before kangaroo courts on trumped up charges and given harsh prison sentences with sickening speed. She was sentenced to 20 years in prison but released in July of 2004 because of poor health. In an interview after her release, Roque said: ''I leave prison without having accepted any sort of conditions. I am a dissident and I will remain one.''

Madam Speaker, we gather today in support of Roque, Bonne, Manzano, and these other brave leaders as they prepare for this historic event. I have been invited to participate in the Assembly to Promote the Civil Society and sent my visa application through the Department of State to Cuba through the US Interest Section.

Madam Speaker, I note that in March of 2003, I also requested to travel to Cuba along with my colleague, Congressman FRANK WOLF, but we were denied visas. This is a regime that has strongly advocated for trade and travel with the United States, and yet the government of Cuba would not give visas to two Members of Congress, each of whom have served in the House of Representatives for nearly 25 years.

What do they hide? What do they fear?

I hope that the Cuban government will allow me to travel. I hope to be with the brave leaders of freedom in Cuba on this day of peaceful advocacy. The world will be watching next week Mr. Speaker, and I hope that the regime will allow this event to take place. If they fail to do so, they will continue to experience alienation from the world community.

Our hopes and prayers are with the brave leaders of the Assembly to Promote the Civil Society next week. I urge my colleagues to strongly support this resolution that supports the brave advocates for freedom in Cuba.

Mr. WEXLER. Madam Speaker, I yield back the balance of our time.

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

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 193.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING GOALS AND IDEALS OF A ROTARY INTERNATIONAL DAY

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 142) supporting the goals and ideals of a ''Rotary International Day'' and celebrating and honoring Rotary International on the occasion of its centennial anniversary.

The Clerk read as follows:

H. RES. 142

Whereas Rotary International, founded on February 23, 1905, in Chicago, Illinois, is the world's first service club and one 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 the United Nations Children's Fund (''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 five years, members throughout all fifty States of Rotary International 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 to observe Rotary International Day: Now, therefore, be it;

Resolved, That the House of Representatives—

(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.

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

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

□ 1500

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on the resolution under consideration, H. Res. 142.

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

There was no objection.

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

As a member of the Committee on Government Reform, and as one of the 73 cosponsors, I am pleased to rise in support of House Resolution 142 that honors Rotary International on the occasion of its centennial anniversary.

Rotary is a global organization of business and professional leaders that provide humanitarian services and works to provide good will and peace in the world. The organization boasts approximately 1.2 million members, called Rotarians, who belong to more than 31,000 Rotary clubs currently located in 167 countries. The efforts of Rotary clubs encourage high ethical standards in all vocations.

Rotary International was founded on February 23, 1905, in Chicago, Illinois, in the hometown and the district of my colleague, the gentleman from Illinois (Mr. DAVIS). It became the world's first club devoted to public service and quickly grew into one of the largest nonprofit service organizations.

Today, there are nearly 400,000 Rotarians in the U.S. Membership provides the opportunity to make a difference within communities by working with each other and with local humanitarian and business leaders. A person can even learn about and become involved in international issues through Rotary programs.

Madam Speaker, next month, I understand that the Rotary will be hosting a great celebration in Chicago to mark its hundredth anniversary, and it will be from June 18 to June 22. On this occasion, the 2005 Rotary International convention will be a great event, and we wish the best to the Rotary and all Rotarians in their festivities.

Madam Speaker, I congratulate the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY) for her benevolence in advancing such a worthy resolution. I congratulate Rotary International for 100 years of tremendous service to our Nation and to the world.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I thank the gentleman for yielding me this time.

As the author of this legislation, and with the honor of representing the Ninth Congressional District of Illinois, home to the headquarters of Rotary International, I rise in strong support of House Resolution 142, a bill marking 100 years of service to humanity by Rotarians around the world. I am so happy that the other body, under the leadership of our Illinois Senator, RICHARD DURBIN, also passed an identical resolution.

I want to thank the chairman and ranking member of the Committee on Government Reform for their assistance in moving this bill to the floor, and my colleague, the gentleman from Illinois (Mr. KIRK), for his support of this legislation.

The celebration of Rotary's centennial will culminate in the place where it all began, Chicago, during the organization's upcoming convention to be held in mid-June. There, Rotarians from all over the world will mark 100 years of service to humanity and to rededicate themselves to Rotary's ongoing mission of service above self.

Rotary International was founded on February 23, 1905, in Chicago, Illinois. It is the world's first service club and one of the largest nonprofit service organizations in the world. Rotary provides humanitarian services, encourages high ethical standards in all vocations, and helps build good will and peace in the world.

Approximately 1.2 million Rotarians belong to more than 31,000 Rotary clubs located in 167 countries. Approximately 400,000 Rotarians belong to clubs throughout the United States and in virtually every congressional district. The world's Rotary clubs meet weekly and are nonpolitical, nonreligious, and open to all cultures, all races, and all creeds.

The main objective of Rotary is service in the community, in the workplace, and throughout the world. Rotarians develop community service projects that address many of today's most critical issues, such as children at risk, poverty and hunger, the environment, illiteracy, and violence. They also support programs for youth, educational opportunities, and international exchanges for students, teachers and other professionals, and vocational career development.

The Rotary motto of ''Service Above Self'' is an example for all humanity, and certainly one for the Members of this body. Today, Rotarians are united in a campaign for the global eradication of polio. In the 1980s, Rotarians raised $240 million to immunize the children of the world. By the end of 2005, the Polio Plus program will have contributed $500 million to this cause. Rotary has provided an army of volunteers to promote and assist at national immunization days in polio endemic countries around the world.

In 2000, I had the privilege of traveling to India with President Clinton and happened to be there on a weekend when Rotary was doing immunizations of children in India against polio. Along with many coalition partners, the Rotarians succeeded in immunizing approximately 125 million people in a weekend. Imagine the kind of volunteer effort it took for such a massive campaign and for such great results.

Due in large part to Rotary's efforts, the number of polio cases has fallen from an estimated 350,000 in 1988 to less than 1,300 in 2004, a more than 99 percent decline in reported cases. More than 200 countries and territories are polio-free.

From the launch of the global initiative in 1988 to the eradication target date of 2005, five million people who would otherwise have been paralyzed will be walking because they have been immunized against polio. It is my hope that today we will not only pass this resolution but that we will also dedicate ourselves to meeting Rotary International's call for adequate funding for the fight against polio in 2006.

Rotary is seeking a total of $106.4 million for the polio eradication efforts of the CDC and $32 million for the polio eradication activities of USAID. This Congress should support Rotary's great work by providing those needed funds.

Rotary International shares the mission that drives so many of us in this body. Rotary International promotes world understanding through international and humanitarian service programs and educational and cultural exchanges. It is supported solely by volunteer contributions from Rotarians and others who share its vision of a better world. Since 1947, the foundation has awarded more than $1.1 billion in humanitarian and educational grants.

Again, I want to urge my colleagues to join me in passing this legislation in honoring the work and members of Rotary International for 100 years of service to humanity and for their role in improving the world. I hope over the next 100 years Rotary's membership will continue to grow and its great service will continue.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield such time as she may consume to my distinguished colleague, the gentlewoman from the State of Tennessee (Mrs. BLACKBURN), who is also a Rotarian.

Mrs. BLACKBURN. Madam Speaker, I thank the gentlewoman from Florida for yielding me this time, and I want to commend the gentlewoman from Illinois for her fine work on this piece of legislation, and I would like to encourage my colleagues to all join me in supporting House Resolution 142 and honoring the goals and the ideals of Rotary International and Rotary International Day on their hundredth anniversary. It is a wonderful organization.

Growing up, I learned that giving back to your community should be a goal that each and every one of us would have. And with its ''Service Above Self'' motto, Rotary International truly is living up to that

standard of giving back. As an active Rotarian, I have had the opportunity to participate in so many events, programs, and projects that have been carried out by my Rotary club and by other Rotary clubs in my congressional district in Tennessee.

The gentlewoman from Illinois spoke a little about some of those projects, and it does not matter if you are in Nashville or Memphis or Clarksville, or anywhere in the Seventh District of Tennessee or around our great State, you are going to see that Rotary clubs are making a difference in each and every kind of project, from immunizations for children, which is a worldwide project for Rotaries, and then to things like the National Rotary Club, supporting the Boys and Girls Club and Second Harvest Food Bank, and providing scholarships. Also, in Memphis, they have awarded thousands of dollars in small grants to teachers who are working to improve literacy in that great city.

I want to send my thanks to the 1.2 million Rotary club members who are working to make that difference in communities around the globe, and I want to commend our international Rotarians who are now in 165 different countries for their commitment to service above self and improving the quality of life for each and every man and woman.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume. It is with great pleasure I join with my colleagues and friends in support of H. Res. 142, supporting the goals and ideals of a Rotary International Day and celebrating and honoring Rotary International on the occasion of its centennial celebration.

Rotary International is one of the most well-known and respected service organizations in the world. What many people do not know, however, is that the organization began in 1905, when Paul Harris, a Chicago attorney, invited three friends to a meeting: Silvester Schiele, a coal dealer; Hiram Shorey, a merchant tailor; and Gustavus Loehr, a mining engineer. All four men gathered in Loehr's business office in room 711 of the Unity Building at 127 North Dearborn, in my district of downtown Chicago. They discussed Harris' idea that business leaders should meet periodically to enjoy camaraderie and to enlarge their circle of business and professional acquaintances.

The club met weekly. Membership was limited to one representative from each business and profession. And though the men did not use the term ''rotary'' that night, that gathering is commonly regarded as the first Rotary club meeting. The name Rotary was suggested later by Paul Harris, as meetings were rotated from one office in the early days of the organization to another.

As the Rotary club began to grow nationwide, the focus of the club expanded from simply serving the professional and social needs of its club members to trying to address the problems that existed in their communities. Since its inception, Rotary International has been a source of inspiration to people all over the world. In 1945, 49 Rotary members served in 29 delegations to the United Nations Charter Conference. Today, the Rotary club is still an active participant in several United Nations programs.

In addition to their commitment to diplomacy, Rotarians have taken the lead on many international crises. In 1985, they made a commitment to immunize all of the world's children for polio. To this day, Rotary is the largest private-sector contributor to the global polio eradication program.

As we honor Rotary International for their profound contributions to our world, I am pleased to say that the organization continues to grow. Today, 1.2 million Rotarians belong to 31,000 Rotary clubs in 166 countries.

Madam Speaker, I would also like to take this moment to thank my colleague, the gentlewoman from Illinois (Ms. SCHAKOWSKY), for her leadership in bringing this important legislation to the floor. I would also like to thank the members of the Rotary club for serving our communities and helping to make the world a better place for all of us to live in.

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

Ms. ROS-LEHTINEN. Madam Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from the State of Illinois (Mr. KIRK), who is also a Rotarian.

Mr. KIRK. Madam Speaker, I thank the gentlewoman for yielding me this time; and I commend my colleague, the gentlewoman from Illinois (Ms. SCHAKOWSKY), for offering this resolution commending Rotary on its anniversary, headquartered in Evanston, Illinois, on Chicago's North Shore.

In 1905, in Chicago, Illinois attorney Paul Harris invited three friends to dinner. He envisioned a new kind of group of professionals that would meet to cultivate their civic ties. The group met regularly, became the Rotary Club of Chicago, and changed its focus to community service.

We have come a long way since 1905. Now, with 400,000 Rotarians, like the Highland Park Morning Rotary Club that I belong to, and over 7,000 clubs throughout the United States, they are fighting poverty and hunger and illiteracy and working to support the environment. But Rotary should be known especially for one project, Polio Plus.

□ 1515

It is with this privately funded and organized group that dedicated itself to wiping out a disease from the face of the planet, building on the precedent of wiping out smallpox, Rotary chose to wipe out polio which crippled our President Roosevelt and many other Americans. With this massive immunization program, joined in with the United Nations and the U.S. Government, Rotary's vision has now led us to a world where 99 percent of polio has been eradicated. In just a few years' time, Rotary is going to give a great gift to the world. It is a world without polio. It embodies Rotary's motto, Service Above Self, giving a victory and a gift to all future generations.

The House here commends Rotary and I commend my colleague for bringing this, headquartered on Chicago's North Shore, embodying the great American civic spirit.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am pleased to be here today to support the goals and ideals of Rotary International Day. The Rotary Foundation has led the Global Effort to eradicate polio by vaccinating every child in the world. They have sent scholars, teachers and tradesmen from every nation to every nation to serve as ambassadors of goodwill to promote peace and understanding. They are leaders in their community, in business and in government. They are entrepreneurs that further the American economy and American ideals, and I thank them.

In my own district of Houston Texas, the Rotary Club of Gulfway-Hobby Airport engages in a number of charitable projects throughout the year. Founded on January 22, 1951, the South Houston Rotary Club was organized that night and was off and running with George Washington Christy being installed as the first president. Gulfway-Hobby Airport Rotary Club, over this 50 years plus time span, has been one of the most active, ''Service Above Self'' clubs in District 5890.

Their biggest charitable event is called Challenge Air and is held annually. The Rotary Club, with the support of the local aviation community provides pilots, airplanes, food, and gifts for wheelchair bound students. Held on a weekend, the students are given the opportunity to visit the hanger of one of the fixed base operators at Hobby Airport and then are taken for flights over Houston in private planes.

In addition, the Gulfway-Hobby Airport Rotary Club hosts a New Years Eve Party at Golden Age Manor Nursing Home and provides $8,000–$16,000 in academic scholarships awarded to local high school graduates.

Organizations such as these are invaluable to our communities, and we must do what we can to support and encourage their activities.

Mr. ISSA. Madam Speaker, I rise today in support of House Resolution 142, Supporting the Goals and Ideals of a ''Rotary International Day'' and celebrating and honoring Rotary International on the occasion of its centennial anniversary.

Since 1905 when the first Rotary Club was founded in Chicago by Paul Harris, Rotarians have been dedicated to the principle of ''Service above Self.'' Though this principle has been embodied in various ways and mottos throughout Rotary's history, this ethic of service has always been rooted at the core of the organization and in the hearts of Rotarians throughout the world. Today 1.2 million Rotarians put service above self in more than 30,100 Clubs in over 160 countries.

In 1985 Rotary International launched PolioPlus, a program to immunize all the world's children against polio by the centennial anniversary of Rotary's founding. To date, the

PolioPlus program has committed more than $500 million to the protection of more than two billion children in 122 countries. These funds are providing much needed polio vaccine, operational support, medical personnel, laboratory equipment and educational materials for health workers and parents.

With its community-based network worldwide, Rotary is the volunteer arm of the global partnership dedicated to eradicating polio. Rotary volunteers assist in vaccine delivery, social mobilization, logistical help and other services which cannot be quantified in dollars alone.

From the earliest days of the organization, Rotarians were concerned with promoting high ethical standards in their professional lives. One of the world's most widely printed and quoted statements of business ethics is The Four-Way Test, which was created in 1932 by Rotarian Herbert J. Taylor. Rotarians challenge themselves in their daily lives to ask the following four questions of the things they think, say or do: 1. Is it the truth? 2. Is it fair to all concerned? 3. Will it build goodwill and better friendships? 4. Will it be beneficial to all concerned?

In the forty-ninth Congressional district alone Rotary International is represented by the Rotary Clubs of Vista, Bonsall, Fallbrook, Oceanside, Valley Center, Perris, Murrieta, Temecula, Temecula Sunrise, Sun City—Menifee and Lake Elsinore.

Rotary is among the finest of organizations and I join in celebrating with all Rotarians the one hundredth anniversary of their founding and wish them another one hundred years of success.

Mrs. CHRISTENSEN. Madam Speaker, as an original cosponsor, I rise in strong support of H. Res. 142 to support the goals and ideals of 'Rotary International Day' and to celebrate and honor Rotary International on the occasion of its centennial anniversary.

Rotary began in my district, the U.S. Virgin Islands with what was called non-district clubs. The first non-district club to receive a charter was The Rotary Club of St. Thomas in 1957, followed by The Rotary Club of St. Croix in 1958 and from their inception they emphasized their commitment of Service Above Self.

Rotary West of St. Croix for example has provided (5) $1,000 scholarship for graduating seniors from St. Croix high schools for over 25 years. They have also donated over 350 wheelchairs to residents of St. Croix and Haiti, and provided over 3 trailers loads of dry goods to the residents of Grenada in the wake of the disaster they suffered last year. Just this past March, they presented a $10,000 check to Juan Luis Hospital to help the facility purchase an EEG machine.

On St. Thomas, three 2004 graduates of the Ivanna Eudora Kean High School were given full four-year scholarship awards to attend the University of the Virgin Islands, thanks to Rotary Club of St. Thomas East. St. Thomas' Rotary East works closely with students at Eudora Kean, its adopted school, year-round and at the end of the year it awards up to four scholarships to deserving graduates. With Rotary International in its 100th year, each club is mandated to create a special project. For its Centennial project, Rotary East created a tropical arboretum with the help of Kean students, planting 100 trees on the school's campus concentrating on native species, such as pink cedar and sea grape trees.

Madam Speaker, I am pleased that Rotary International and the U.S. Coalition for the Eradication of Polio have chosen to recognize me as a 2003 Rotary ''Congressional Champion of Polio Eradication. The drive to eradicate polio has been one of the largest private-public sector initiatives ever organized. Rotary International has been working since 1985 to help eradicate polio from the world and it is now possible. They have mobilized tens of thousands of Rotarians to work together with their national ministries of health, UNICEF and the World Health Organization, and with health providers at the grassroots level in thousands of communities. By the time polio has been eradicated, Rotary International will have expended more than $500 million of its own money on the effort.

I am pleased to support H. Res. 142 and applaud Rotary International for all of their good work in service to their community. I urge my colleagues to support passage of the resolution.

Mr. SKELTON. Madam Speaker, let me take this means to congratulate Rotary International on the occasion of its centennial anniversary.

The world's first service club, the Rotary Club of Chicago, was formed on February 23, 1905, by Paul P. Harris. Through the years, Rotary's popularity has spread across the nation and the world and its mission has expanded well beyond serving the professional interests of local chapters.

Rotary has been instrumental in pooling resources to assist communities in need across the world. In 1985, Rotary made an historic commitment to immunize all of the world's children against polio. Working in partnership with nongovernmental organizations and national governments, Rotary is the largest private-sector contributor to the global polio eradication campaign. In fact, in 2005, Rotarians joined with representatives from global health networks to mark the 50th anniversary of the declaration of Dr. Jonas Salk's polio vaccine as safe and effective.

Rotary has also worked to meet the changing needs of society, addressing critical problems surrounding illiteracy, world hunger, and at risk children.

Mr. Speaker, I have visited countless Rotary Clubs throughout Missouri's Fourth Congressional District. On each occasion, I am humbled by the hard work and friendly spirit of the community leaders who belong to this organization.

I congratulate them on 100 years of community service and I urge my colleagues to support H. Res. 142.

Mr. REYES. Madam Speaker, I rise today in support of H. Res. 142, 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.

Today we commemorate the 100th anniversary of Rotary International and express our appreciation for the organization's service to our congressional districts, including my district of El Paso, Texas. Rotary International's service also extends to people around the globe, with 1.2 million Rotarians at 31,000 Rotary clubs in 167 countries.

The El Paso Rotary Club has served my district since 1914. Mr. Frank Hoy, President of the El Paso Rotary Club, leads a group of 300 members that conducts many important activities throughout the year that are of great benefit to our community. I am pleased to be participating in their annual Independence Day parade again this year.

Madam Speaker, I sincerely congratulate Rotary International and the El Paso Rotary Club on this important occasion, and I thank them for their continued service to the 16th District of Texas, our Nation, and the world.

Mr. SHAYS. Mr. Speaker, I rise in support of H. Res. 142, supporting the goals and ideals of a ''Rotary International Day'' and celebrating and honoring Rotary International on the occasion of its centennial anniversary.

On Rotary Inrernational's 100th anniversary, we celebrate their extraordinary contributions to communities around the world. A worldwide organization of business and professional leaders, Rotary provides humanitarian service, encourages high ethical standards in all vocations, and helps build goodwill and peace in the world.

This extraordinary organization is the world's first service club and one of the largest nonprofit service organizations. Dedicated to their motto ''Service Above Self,'' Rotary has maintained their focus on service. In fact, to celebrate their 100th Anniversary, Rotary designated April 2005 ''Centennial Service Above Self Volunteer Month.'' Each club member wasencouraged to volunteer at least 10 hours of personal time in service to others, focusing on meeting community needs, lending vocational expertise, and assisting communities abroad.

As Co-Chair of the Congressional National Service Caucus, I am grateful for Rotary's commitment to our communities. Approximately 1.2 million Rotarians belong to more than 31,000 Rotary clubs, which fund club projects and sponsor volunteers to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries.

I am proud to have Rotary International Clubs in 14 towns in my District, including Bridgeport, Darien, Fairfield, Greenwich, Byram-Cos Cob, Derby-Shelton, Monroe, New Canaan, Norwalk, Ridgefield, Seymour-Oxford, Trumbull, Westport and Wilton.

I congratulate Rotary International and its members on the occasion of their centennial celebration and urge passage of this resolution.

Ms. BORDALLO. Madam Speaker, I rise today in support of H. Res. 142, a resolution commending the goals and ideals of Rotary International as it celebrates its 100th anniversary. Rotary International is a network of professionals who have pooled their talents in pursuit of improving the communities in which they live. I also commend the four Rotary International clubs on Guam that have provided leadership and set a high standard for service that is very much appreciated by our community.

As America's first service organization, Rotary International embraces the ideal of providing for the wellbeing of the community before self. Today, Rotary International continues to expand its reach across continents to foster international understanding, and is now active in one hundred sixty-seven countries. One of Rotary International's current initiatives, the Polio Plus program, will immunize children throughout the world against polio. Since the

implementation of Polio Plus, the Rotary International has, in cooperation with other multinational organizations such as the United Nations World Health Organization, managed to reduce the number of polio cases worldwide by ninety-nine percent. Other successful humanitarian endeavors include bringing treatment for preventing blindness to indigent patients in the Philippines, building schools in Turkey, and providing educational fellowships and grants for young people.

Rotary International has dedicated significant resources to funding its fellowship and scholarship programs for citizens interested in studying abroad and pursuing scholarly work in global conflict resolution. Educational and community outreach to young citizens are examples of Rotary International's commitment to fostering international understanding and its belief that the virtue of volunteerism will provide positive change in the world at-large.

I would like to commend Rotary International for its service to the international community and continued efforts to assist underserved populations of the world. Its vision of global understanding and commitment to service are truly noble core values. I also want to specifically congratulate the Rotary International clubs established in Guam, as well as their respective club presidents, for the hard work and commitment to community service that they have demonstrated over the years. They are: Dr. Ron McNinch, Tumon Bay; Mr. Mike Perrin, Guam; Mr. Curtis Dancoe, Guam Sunrise; and Mr. Lee Yudin, Northern Guam. I also want to extend my appreciation to the Assistant District Governor for the Pacific Basin Group, George Benoit.

Today we honor the Rotary International organization, which embodies the principle that we must, as individuals, strive for goals greater than our own self interest. Through community service, we can help form a world that is a better place to live for all of us. Congratulations to Rotary International. To the Rotary Club of Guam, the Rotary Club of Tumon Bay, the Rotary Club of Guam Sunrise and the Rotary Club of Northern Guam, thank you very much for all you have done to promote community values in Guam.

Ms. ROS-LEHTINEN. Madam Speaker, again, I am pleased to be associated with House Resolution 142. I urge all of my distinguished colleagues to support its adoption.

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

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 142.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. DENT. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 86) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The Clerk read as follows:

H. CON. RES. 86

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the ''Association'') shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 18, 2005, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentlewoman from Pennsylvania (Ms. SCHWARTZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

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

House Concurrent Resolution 86 authorizes the use of the Capitol Grounds for the 64th annual Greater Washington Soap Box Derby to take place on June 18, 2005.

Dating back to 1933, when a newspaper photographer witnessed three local boys racing engine-less cars down a neighborhood hill, the soap box derby has become an example of classic Americana. Over the years, the idea to hold a neighborhood race has grown from a local race where competitors raced anything with wheels to win a trophy to a nationwide extravaganza complete with three soap box divisions, official sponsors and the opportunity to travel and win college scholarships.

More importantly, however, is the work that goes into these soap box racers. Building a racer gives children valuable experience working with their hands and challenging their minds, learning about aerodynamics, craftsmanship and attention to detail. With three divisions and races all over the world, there is a place for everyone to try their hand at soap box building.

It took several years for this hobby to catch on in Washington, D.C., but after more than seven decades of racing, the tradition of the Greater Washington Soap Box Derby continues to encourage youth between the ages of 8 and 17 to develop their building, design and creativity skills. The winners of each division will represent the Washington, D.C., metropolitan area in the National Soap Box Derby to be held in Akron, Ohio, on July 30, 2005.

The races will take place on Constitution Avenue between Delaware Avenue and Third Street, Northwest, and will be free of charge to the public. The resolution also authorizes the Architect of the Capitol, the Capitol Police Board and the Greater Washington Soap Box Derby Association, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol Grounds. The sponsor assumes responsibility for all expenses and liabilities related to the event. I support the resolution and urge my colleagues to join me in support.

Madam Speaker, I reserve the balance of my time.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I am very pleased to stand here on behalf of the Committee on Transportation and Infrastructure that has jurisdiction over this legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), the sponsor of this legislation who, each year, has offered this resolution and has been a strong supporter of the soap box derby.

Mr. HOYER. Madam Speaker, I thank the distinguished gentlewoman from Pennsylvania for yielding time, and I thank her for her leadership on bringing this bill to the floor. I thank the gentleman from Pennsylvania as well on getting this bill to the floor early. The gentlewoman from Pennsylvania, I know, has worked with us on so many different matters. I thank her very much for making sure this happens.

Madam Speaker, for the 15th straight year, I am proud to sponsor the resolution allowing the Greater Washington Soap Box Derby Association to hold its annual race on the grounds of the United States Capitol. They could not

do so without this legislation. H. Con. Res. 86 authorizes the Architect of the Capitol and the Capitol Police Board to work with the Greater Washington Soap Box Derby Association to ensure that all the necessary arrangements are made to conduct this race in complete compliance with the rules and regulations governing the use of the Capitol Grounds. The 64th annual Greater Washington Soap Box Derby will be held on Saturday, June 18.

Since 1991, the Greater Washington Soap Box Derby Association has held its race on the Capitol Grounds. Each year, it attracts over 50 racers, both boys and girls, ranging in age from 8 to 17. These young people work very hard to build their own gravity-powered race cars from a kit provided by the All-American Soap Box Derby program. What a great name, All-American Soap Box Derby, because it is, of course, true that like apple pie and motherhood, soap box derby rings so true to all Americans. Participating in the soap box derby provides contestants with an opportunity to learn basic building skills and a sense of accomplishment. Racers are divided into three divisions, stock, super stock and masters. The local winner of each division automatically qualifies to compete with racers from around the world in the All-American soap box derby. This year's race will be held on July 30 in Akron, Ohio, where every year since 1936, except during World War II, young people have gathered to race.

The festivities in Akron begin when the racers receive a police escort into town and conclude in the winner's circle with the awarding of scholarships and merchandise. In between, the racers and their families participate in a whirlwind of activities that leave them with enduring friendships and memories that I am sure will last a lifetime.

Madam Speaker, I am honored that all three of last year's winners of the Greater Washington Soap Box Derby were from my congressional district from the Washington competition: Haley Luense of Accokeek, Robbie Reuss of Waldorf and Robert McDaniel of Bowie. They were not winners of the national competition but they were participants and did well.

Madam Speaker, this event has been called and I quote, the greatest amateur racing event in the world. There may be a dispute on that from time to time, but it is a wonderful opportunity for our children from the District of Columbia, Maryland and Virginia to venture into the world of engineering while experiencing the spirit of competition.

Therefore, Madam Speaker, I urge all my colleagues to join with me and the other original cosponsors, the gentleman from Virginia (Mr. WOLF), the gentleman from Virginia (Mr. MORAN), the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Maryland (Mr. WYNN) and the gentleman from Maryland (Mr. VAN HOLLEN) in supporting this resolution. Again, I thank the gentlewoman from Pennsylvania for her leadership in assuring that this bill gets to the floor in a timely fashion so that we will be ready for June 18.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

I am delighted to join with the gentleman from Maryland (Mr. HOYER), the gentleman from Virginia (Mr. WOLF), the gentleman from Virginia (Mr. MORAN), the gentleman from Maryland (Mr. WYNN) and the gentleman from Maryland (Mr. VAN HOLLEN) in support of House Concurrent Resolution 86. In particular, I do want to acknowledge the efforts of the gentleman from Maryland (Mr. HOYER) who has consistently been a champion for his constituents in ensuring that this event take place each year.

House Concurrent Resolution 86 authorizes the use of the Capitol Grounds for the Greater Washington Soap Box Derby. On June 18, 2005, youngsters from the greater Washington area who are between 9 and 16 will test the principles of aerodynamics as they race down Constitution Avenue in their soap box vehicles that they have designed and constructed.

Madam Speaker, many hundreds of volunteers donate considerable time supporting the event and providing families with a fun-filled day, which is quickly becoming a tradition in the Washington, D.C., area. The event has grown in popularity, and Washington is now known as one of the outstanding race cities in the Nation. Consistent with all events using the Capitol Grounds, this event is open to the public and free of charge. The organizers will work with the Capitol Hill Police and the Office of the Architect. I support House Concurrent Resolution 86 and urge support of this resolution.

Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

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

Mr. OBERSTAR. Madam Speaker, the annual soap box derby is one of the most constructive activities that the Congress can support in behalf of young people and truly for families. As the gentleman from Maryland (Mr. HOYER) has already explained and as the gentleman from Pennsylvania (Mr. DENT) has explained, constructing these vehicles brings together families, brings out the creative instincts of young people, gives them an opportunity to innovate and to produce a product in which they have ownership and which takes a great deal of time and which brings families together. Supporting the annual soap box derby, we are doing something truly constructive for families, for the Nation's capital young people and for young people across America.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 86.

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

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. DENT. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 135) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The Clerk read as follows:

H. CON. RES. 135

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 10, 2005, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2005 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the ''event'') may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentlewoman from Pennsylvania (Ms. SCHWARTZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

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

House Concurrent Resolution 135 authorizes the use of the Capitol Grounds for the 20th annual District of Columbia Special Olympics Law Enforcement Torch Run to take place on June 10, 2005. The Special Olympics is an international organization dedicated to using athletics to impact the lives of children and adults with intellectual disabilities. Funds raised through projects like the Law Enforcement Torch Run make it possible for athletes with disabilities to train and compete year round.

The Special Olympics offers something that is seldom offered to these individuals. It creates an environment where persons with disabilities are

fully accepted, encouraged and empowered. Through training and competition, Special Olympics athletes grow mentally and physically, improving their physical fitness and motor skills and ultimately gaining greater self-confidence. With more than 85,000 law enforcement officers carrying the flame across 35 nations, the 2004 Special Olympics Law Enforcement Torch Run raised more than $20.5 million. This event has historically been the largest and most successful Special Olympics grassroots fundraiser and awareness vehicle, and with the authorization of House Concurrent Resolution 135, we will ensure its continued success.

The sponsors of the event will work with the Architect of the Capitol and the United States Capitol Police to comply with all the applicable regulations relating to the use of the Capitol Grounds and will assume responsibility for all expenses and liabilities related to the event.

□ 1530

I encourage my colleagues to join the law enforcement community in supporting the Special Olympics and join me in supporting this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this event needs little introduction. 2005 marks the 38th anniversary of the District Special Olympics. The torch relay event is a traditional part of the opening ceremonies for the Special Olympics, which will take place at Gallaudet University in the District of Columbia. This event has become a highlight on Capitol Hill and is an integral part of the Special Olympics.

In the early 1960s, Eunice Kennedy Shriver started a day camp for people with mental retardation, and the Special Olympics were born. The games help mentally challenged individuals gain confidence and self-esteem through friendly competition in a supportive environment.

Today, more than 1 million children and adults with special needs participate in the Special Olympics programs worldwide. Here in our Nation's capital, approximately 2,500 Special Olympians compete in dozens of events each year, and they are cheered on by their family members and friends. This inspirational event is due in large part to the efforts of thousands of volunteers from the greater Washington, D.C. area. And these individuals deserve our thanks and our assistance.

I enthusiastically support this resolution and the very worthwhile endeavor of the Special Olympics. I urge support for House Concurrent Resolution 135.

Madam Speaker, I reserve the balance of my time.

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

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), ranking member on the Committee on Transportation and Infrastructure.

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

Mr. OBERSTAR. Madam Speaker, I thank the gentlewoman for yielding me this time and, again, the committee for bringing this concurrent resolution to the House floor, as is our annual responsibility, to authorize the use of the Capitol grounds for the Special Olympic Law Enforcement Torch Run.

The gentlewoman and the gentleman from Pennsylvania (Mr. DENT), representing the majority, have well explained the purpose of the Special Olympics and the Torch Run. But I just want to take a moment to pay tribute to Sarge Shriver, who for so many years has been the inspiration behind, and the organizational force of, the Special Olympics. It really has become synonymous with Sarge Shriver. This event, which has become so widely admired, so greatly appreciated, has just made an enormous difference for young, middle-aged and older mentally disabled persons, reinforcing their self-confidence, building self-esteem, and improving the quality of their health as they prepare for and participate in the Special Olympics.

From time to time on Sunday I see Sarge Shriver at our Lady of Mercy Parish where I participate in mass when I am in the Washington Area. It just pains me as I see Sarge Shriver overcome by the mental ravages of Alzheimer's. Even with this dreadful disease he certainly functions well, and his body is strong, and his mind is clear. But one can see the ravages of this dreaded ailment. And for one who has given so much to so many people for so many years, it just brings home to me every time I see him this enormous contribution that he has made so selflessly over the many years.

Eunice Shriver, who took over the Kennedy family initiative on behalf of the mentally disabled, played a strong, forceful role in my hometown with the publisher of our hometown newspaper, Veda Ponikvar, in building and commissioning the Range Center for the mentally retarded, bringing people who have been neglected, held in homes, shut away in closets and downstairs rooms and attics and bringing them out into the world and giving them an opportunity for self-esteem, for self-confidence, to learn skills, to be productive members of our community.

And so across the country, those who have been helped by the Shriver family and the Kennedy inspiration for the programs to support those with mental disabilities, the Special Olympics stands out as the premier activity nationwide to give respect, recognition, full membership in society to those not so fortunate as the rest of us.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 135.

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

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. DENT. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 136) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 136

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the 24th annual National Peace Officers' Memorial Service (in this resolution referred to as the ''event''), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2004.

(b) DATE OF EVENT.—The event shall be held on May 15, 2005, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentlewoman from Pennsylvania (Ms.

SCHWARTZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

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

Madam Speaker, House Concurrent Resolution 136 authorizes the use of the Capitol grounds for the annual National Peace Officers' Memorial Service to take place on May 15, 2005. The Grand Lodge of the Fraternal Order of Police and its auxiliary are the sponsors wishing to honor some of America's bravest men and women. The memorial service will honor the 154 Federal, State, and local law enforcement officers who made the ultimate sacrifice while protecting their communities in 2004.

I would especially like to recognize the seven peace officers killed in the line of duty in 2004 from my home State of Pennsylvania.

This is the 24th time that this event has been held on the grounds of the Capitol. This memorial service is part of National Police Week, which was created by law in 1962; and this year begins today and continues until May 15.

Police Week draws officers, their families, and the survivors of fallen officers from around the country and includes such events as the Blue Mass at St. Patrick's Catholic Church, a candlelight vigil at the National Law Enforcement Memorial, and a police unity tour featuring officers and historic vehicles.

This event begins at noon on Sunday and, following the ceremony on the Capitol grounds, will continue with a procession to the Law Enforcement Memorial followed by a wreath-laying ceremony.

I encourage my colleagues to attend this much-deserved memorial service to honor those who are on the front lines, protecting the communities we live in, and work to serve.

Madam Speaker, I reserve the balance of my time.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Concurrent Resolution 136 authorizes the use of the Capitol grounds for the 24th annual National Peace Officers' Memorial Service, a most solemn and respectful public event honoring our Nation's brave civil servants. The event, scheduled for May 15, will be coordinated by the Office of the Architect of the Capitol and the Capitol Hill Police.

This is a fitting tribute to the Federal, State, and local police officers who gave their lives while protecting our families, our homes, and our places of work. This year, 153 names will be added to the memorial wall, including nine women who were killed in the line of duty. These fallen heroes served an average of 12 years in law enforcement, with some serving as many as 40 years. Others, like one 20-year-old officer, had only just begun what he had hoped would be years of service to his community.

On average, one officer is killed in this country every other day, and approximately 23,000 are injured every year. And thousands more are assaulted while on duty. In 2004, seven law enforcement officers from the State of Pennsylvania were killed in the line of duty.

In the early morning hours of March 19, Philadelphia City Pretrial Warrant Supervisor Joseph LeClaire was shot and killed while serving an arrest warrant in West Germantown to a man who had failed to appear in court during two trials, one for a drug charge, the second for a rape case. Officers Vincent Disandra and Carlo Delborrello were also shot and wounded during the encounter.

Shortly after 11 a.m. on March 31 in Bradford County, Deputy Sheriffs Christopher Burgert, who was 30, and Michael Vankuren, 36, were shot and killed while trying to serve two warrants to a man living in Wells Township.

In the early morning of April 20, Sergeant James Miller, a 28-year veteran of the Upper Dublin Police Department, died when his police vehicle rolled over during an accident.

And Police Chief Douglas Shertzer, a 23-year veteran of his department, was killed in a motorcycle accident on the morning of May 11 while en route to begin his patrol.

Patrolman Michael Wise II of Reading City Police Department was shot in the line of duty on the night of June 5 while searching for a murder suspect.

And, finally, Elk Lick Township Police Chief Sheridan Caton, 60, was killed in a head-on collision while responding to a request for a backup from a neighboring police department. The driver of the second vehicle was charged with driving while under the influence.

These public servants are sorely missed; and they deserve our deepest respect, and their families have our most sincere sympathies.

In October, 1962, President Kennedy declared May 15 as National Peace Officers' Memorial Day so that we could come together to honor the service and sacrifice of our Nation's law enforcement officers. This year's ceremony is the 24th anniversary of this memorial service. Consistent with all Capitol Hill events, the memorial service will be free and open to the public.

I support the resolution and urge my colleagues to join me in supporting this tribute to our fallen police officers and peace officers.

Ms. MILLENDER-McDONALD. Madam Speaker, I join my colleagues in support of the concurrent resolution. On May 15, 2005, America will observe National Peace Officers' Memorial Day and hold the National Memorial Service. We commemorate this day each year to honor the heroes of law enforcement who have lost their lives in the line of duty. As the Ranking Democrat on the Committee on House Administration, which has jurisdiction over the U.S. Capitol Police, the Library of Congress Police, and the Government Printing Office Police, this year's observance has additional significance for me. On this occasion, I rise to offer the tribute of the Californians I have the honor to represent, and my Committee's, as well as my own.

The need for such a memorial day arose in the earliest days of our republic. Since America's first line-of-duty death was recorded in 1792, more than 16,500 men and women have fallen, including three Capitol Police officers, one in 1984, and two in 1998. Nationwide, 153 officers died in the line of duty last year, 13 of them in California, according to the National Law Enforcement Officers Memorial Fund. Thus, in 2004, somewhere in the United States a law-enforcement officer fell in the line of duty ever 57 hours.

I wish it were not so, Madam Speaker. We all wish it were not so. But at least 35 have already fallen in 2005, and still others will follow. If anyone among us could do anything to prevent even one more law-enforcement officer's death, we would surely do it. I certainly hope that this Congress, every state legislature, and every other policymaking body will do everything possible to prevent more such deaths.

Madam Speaker, as we pause on this year's National Peace Officers' Memorial Day to reflect upon the sacrifices made by the valiant men and women of law enforcement who have given their lives for our communities, let us resolve to cherish their memory on May 15 and every day. Let us also honor the brave men and women now working across this land who may, at any moment of any shift, give their lives to make us safe. Let us resolve to show them our respect and gratitude every day of the year. I urge all Members to vote for the resolution.

Mr. OBERSTAR. Madam Speaker, I rise in support of H. Con. Res. 136, to authorize use of the Capitol Grounds for the National Peace Officers' Memorial Service on May 15, 2005.

In October 1962, President Kennedy proclaimed May 15th as National Peace Officers' Memorial Day. Each year on this date we, as a Nation, have an opportunity to honor the devotion with which peace officers perform their daily task of protecting our families, co-workers, friends, and each of us. The 2005 event marks the 24th anniversary of the Capitol Hill event. In the post September 11th environment, the work of selfless police and firemen has become our model of courage and moral strength.

There are approximately 700,000 sworn law enforcement officers serving the American public today. Officers work for states, counties, U.S. territories, federal enforcement, military police, and corrections departments. Ten percent of law enforcement officers are women.

During 2004, 153 peace officers were killed in the line of duty; of those killed, nine were women. The average age of those killed in the line of duty was 37 years.

It is most fitting and proper to honor the lives, sacrifices, and public service of these brave men and women. I urge support for H. Con. Res. 136.

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

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

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 136. 7

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DENT. 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 House Concurrent Resolution 86, House Concurrent Resolution 135, and House Concurrent Resolution 136, the matters just considered by the House.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5:30 p.m. today.

Accordingly (at 3 o'clock and 44 minutes p.m.), the House stood in recess until approximately 5:30 p.m.

□ 1740

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 5 o'clock and 40 minutes p.m.

PERSONAL PRIVILEGE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. On the basis of House Report 109–51 and certain media coverage thereof, the gentlewoman may rise to a question of personal privilege under rule IX.

The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 1 hour.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today, Mr. Speaker, because I believe in the integrity of this House, the specialness of this House, and the specialness of my colleagues.

I also believe that this time that I will have to share with my colleagues and to share with the American people is a moment for us to be able to move forward and not to recount or to go back over a pathway that is not productive.

A few weeks ago we were discussing legislation that of its very name is extremely controversial. In the course of that legislation, H.R. 748, the Child Interstate Abortion Notification Act, CIANA, the debate was vigorous; and I know that in this Congress we have had our differences of opinion as it relates to the question of choice, the ninth amendment, the right to privacy, and, in this instance, the question of parental consent.

It is interesting to note that those of us who may side on the position of choice and the right to privacy recognize the intensity and the questions being raised about children who are put in harm's way, whether or not that means that a child without counsel, because of some tragedy in her life, has to seek an abortion.

The vigorousness of the debate centered around the idea of the enormous range of differences of opinion expressed by different States. I think they are equally divided, 23, 22, 27, some States having no provisions for parental consent as it relates to a child securing an abortion, some States having a very complicated process with judicial review, and some States having a medium process.

The debate in the Committee on the Judiciary by members on my side of the aisle really centered and focused on the structure of the legislation that seemingly would close the door shut on a child that would seek counsel beyond the parent in this very troubling time in their life. It also sought to clarify whether an innocent bystander who could provide a mode of transportation might, in fact, be held criminally liable under this particular law. So there were a number of amendments being offered that would hopefully clarify this very difficult question.

Mr. Speaker, this is a time when passions rise high, temperatures rise high as well. As I said, there is a vigorous disagreement about this question of abortion and even more vigorous when it involves a child who is under the age of majority.

□ 1745

So there were a number of amendments offered by my colleagues, one offered that, in particular the description of the amendment simply offered by the gentleman from New York (Mr. NADLER), allowed an adult who could be prosecuted under the bill go to a Federal court and seek a waiver to the State's parental notice laws if this remedy was not available.

Subsequently, there was a House Report, 109–51, and in that report, a series of amendments were described in particular to give license to sexual predators. May I repeat that again, Mr. Speaker, to give license to sexual predators.

I started out by saying, and I do intend to follow that charge that I have made, that this is an effort to go forward, to be able to highlight a mistake, an indiscretion, a pathway that hopefully we will not return to and allow us to heal on our own, if you will, but also to cite that this is not the way to run the People's House.

That amendment simply stated that it allowed an adult who could be prosecuted under the bill to go to the Federal District Court and seek a waiver to the State's parental notice laws. Remember I started out, Mr. Speaker, by saying State parental notice laws are varying around the Nation. It was ultimately written to suggest that that particular gentleman from New York had an amendment that would have created an additional layer of Federal Court review that could be used by sexual predators to escape conviction under the bill. It suggested that that roll call, that particular amendment, was defeated 11 to 16.

Subsequently, there was another amendment by the gentleman from New York to exempt a grandparent or adult sibling from the criminal and civil provisions in the bill, again, simply stated as plain as can be. And, by the way, Mr. Speaker, though I am not intending to challenge legislation that has already been passed on the floor of the House, albeit I disagree with it vigorously in terms of the restraints it puts on the interaction between a child and confidante, a trusted adult who can help steer them in the right direction, let me just suggest this was a constructive amendment because it was to give the child an ability to consult with someone that may be out of the pipeline and be out of the child's distress area, meaning we have never looked at the point that possibly the parent could be the predator or could be engaged in incest. All of these are terrible things to discuss, but in a responsible debate, these were the considerations why these amendments were authored.

Ultimately, that amendment to allow a grandparent or sibling to confide or that child to confide in that particular adult or that particular sibling, adult sibling, it was described by the gentleman's amendment, was described as having exempted sexual predators from prosecution under the bill and suggested that it was defeated in a roll call vote.

Subsequently, the gentleman from Virginia offered an amendment to protect innocent bystanders who might have someone take their mode of transportation, a taxicab, a bus or other mode of transportation, not knowing who they are carrying, and ultimately caught up in the legislation and be prosecuted. So this was to exempt innocent bus drivers, taxicab drivers and others who would be transporting individuals, and, again, the amendment was described as exempting sexual predators.

A subsequent amendment that limited liability to the person committing the offense in the first degree was ultimately described and suggested that it would aid and abet criminals.

Then an amendment that I offered, the amendment was to exempt clergy, godparents, aunts, uncles or first cousins from the penalties in the bill, again to give a young woman a greater latitude of who to seek comfort and counsel from, and ultimately, that amendment was described, ''Ms. JACKSON-LEE

offered an amendment that would have exempted sexual predators from prosecution under the bill if they were clergy, godparents, aunts, uncles or first cousins of a minor.''

Then, Mr. Speaker, though I had two separate amendments, one a GAO study that would have determined whether this particular legislation was necessary and whether or not the confusion of the States with different bases of determining parental consent, whether or not that created an added problem, the description in House Report 109–51 just lumped them all together, which reads, ''that would require a study by the Government Accounting Office.''

So, in essence, Mr. Speaker, my amendment was described as exempting clergy, godparents, aunts, uncles or first cousins of a minor and suggesting that I was exempting sexual predators. And then, adding insult to injury, if I might use a phrase, that I then wanted a GAO study. Completely wrong. Complete misconstruing of the amendment and of the intent.

So we had a vote last week that ultimately wound up correcting the language in some form. It did not, however, distinguish that I had two amendments and did not ask for a study of sexual predators who happened to be godparents, clergy, aunts, uncles or first cousins.

First of all, might I say in the prosecution of this particular entity, I do not believe that any prosecutor worth his or her salt would allow this legislation to exempt an individual who happened to be a relative who happened to be a sexual predator. There is no basis in the bill. And if that was the case, then it means that the parents, the very underlying crux of the bill, parental consent, it means that the bill also protects parents that are sexual predators if you follow that line of reasoning.

So, Mr. Speaker, this is an attempt to have us go forward and not backwards. The amendments were very clear on their face. The amendments stood alone: ''The General Accounting Office shall conduct a study detailing the impact of the number of unsafe and illegal abortions performed on minors who would be affected by this law.''

You see, Mr. Speaker, I have lived through a time when women went to back alleys, and a coat hanger was a medical device. So I thought it was appropriate that if we were going to pass a legislative initiative that we thought would help secure young lives, then we needed to have a study that would determine whether or not it was in fact securing them or endangering them. And the idea, of course, was to suggest that we needed to find out more about the impact of this legislation.

This ultimately got construed, I do not know how, as a GAO study of sexual predators. This is not a nice word to say on the floor of the House, because as we have seen the rash of attacks on our children, two young babies killed just in the last 24 hours; little precious Danielle having been determined and identified decapitated a couple of years ago; as cochair of the Congressional Children's Caucus, we were briefed by Alonzo Washington on that tragic case; the cases in Florida, the cases in Texas.

No one wants to promote the extending of any criminal exemptions for the likes of those who prey on our children. Nowhere in this GAO study would that say that. And might I say that the war against sexual predators and child predators and child sexual predators is a bipartisan war. It is not a frivolous desire of any of us to stand up against those heinous actors that will go against our children. I would not in the least be hesitant to stand alongside of any Member in this body and know full well of their undying commitment to weed out, ferret out, prosecute and incarcerate those individuals with the most evil intent to do harm to our children.

That is why a number of Members took to the floor of the House to express such outrage; not because we do not accept the fact that there could be mistakes. There are politics in this House, games that are played at all times. There is vigorous debate on the question of choice, parental consent. But it was the very fact that something so sacred, our children, could fall victim to such a divide.

As we went to the Committee on Rules we would hope it would have been cleared up through that matter. Let me also just cite the other Jackson-Lee amendment that was plain and simple, the prohibitions of this section do not apply with respect to conduct by clergy, godparents, aunts, uncles or first cousins, simply to say that they could stand in place, for example, if there was some Achilles heel, some failure in the parental structure, that this child needed to go outside of the family home. A simple process; no more, no less.

So, we had hoped that there would have been some solution to this in the Committee on Rules. As I indicated, this report was filed Thursday, April 21, and the accompanying report was 109–51.

The point that should be part of the rules of this House that I hope that we will as we go forward make really part of our institutional fabric is that House reports from now on or from last Thursday on should describe recorded votes with objective, non-argumentative captions.

The Committee on the Judiciary majority cannot do that in House Report 109–51 by captioning the five amendments that I mentioned with remarks that would suggest that we are harboring, that we are kowtowing, playing to sexual predators.

The opportunity that was given, Mr. Speaker, to address this question in the Committee on Rules was troubling, because questions were posed as to why such language was utilized.

Might I say as an aside, Mr. Speaker, you realize that the House reports and my colleagues realize the House reports are used in history. They are used by historians and political scientists, students, researchers of all kinds, policymakers. They are used to tell the story of America. That is why we rise to the floor of the House and raise our voices and consent and dissent. That is why we pay tribute to Americans on this floor. That is why, each morning, we say the Pledge of Allegiance, and the chaplain or one who has been so designated offers a word of prayer. It is for all of America to reflect and read. It is a document that leaves a legacy that 2 days from now or 5 weeks or 1 year or 10 years from now cannot be changed.

So, to ask the question why, or to suggest to my colleagues that I only stand here today to remind you that if we can find any sense of unity in this very fractured Nation and divided House and Senate, I would simply ask that it be adhering to the rules of this body and the simple reporting of the work we do here every day.

The reason why, again, I would cite this as an important request and one that I hope the correction of last week will not be simply the correction of that time, but it will be embedded that we try and work not to do it again, is because when we get on this floor, Mr. Speaker, and there are words that are not befitting or becoming of the debate, albeit the Member did not intend any wrongdoing or missteps, but because someone else found those words to be inappropriate, we have a procedure called to take the words down. Why do we do that? We do that to protect the integrity of this record.

□ 1800

And I think that is the right thing to do. In the furor of debate, sometimes we step beyond the pale. We are committed, we are passionate, we believe in what we are standing for, and we are Americans. We stand in debate with our eyes on the Flag of the United States and the words ''In God We Trust.'' This Nation's underpinnings allow us to do so. But when sometimes in the heat of debate words flare, we are allowed, and some will ask, that the words be taken down. And in the course of the debate and the vote occurs, there is a procedure to address that issue. That means that we care about the integrity of this process and the written word that will then be there for thousands and thousands and millions and millions and years and years to be reviewed. We are owed that kind of respect.

So this statement today should not be considered an effort to recount or repeat. It is, hopefully, an effort in a moment, of evenhandedness, to suggest that this kind of mischaracterization not take place anymore in the committees of the House, the final reporting, and/or the Committee on Rules, and that we strictly stick to the conciseness and integrity of the process which

is a nonargumentative, objective reporting of the work of an individual Member.

And certainly, Mr. Speaker, words such as ''predator'' and ''sexual predator'' and ''child predator,'' to be thrown in the direction of Members who leave their homes and their jurisdictions every day in the backdrop of some heinous criminal act, maybe affecting their own constituents, maybe some child law.

Because as I was driving on the freeway yesterday in Texas, because of the AMBER Alert that all of the Members of this House were willing to support, there unfortunately was a highlight of another kidnapped child from New Mexico, possibly on the run into Texas, not knowing whether there was an issue of sexual predator or child predator. It was a kidnapped child, a child that was vulnerable.

So it is not something that I personally take lightly, and I would just suggest that the gentleman from New York and the gentleman from Virginia who raised their voices, I would think that their integrity also is well-known, and that to associate their work with that definition is one that is enormously frightening.

This clarification is used as well when you can find that the entity or the act or the actions have subjected you to public ridicule. Well, a story is a story, Mr. Speaker, and this was written about. So that will not be able to be taken down. There will be articles that would suggest that amendments by the named persons exempted sexual predators. We cannot go back to that. We cannot pull that down. That is in the annals of news that will be able to be researched.

So, frankly, I thought it was enormously important that this misdeed be called again to the attention of my colleagues. Why? Because I hope going forward we will not do it again.

Allow me to quote from the ranking member of the Committee on Rules who said that it was not indicated how this was brought to our attention. The Committee on Rules discovered yesterday that the Committee on the Judiciary report on this very bill, which was authored by the majority staff, contained amendment summaries which had been rewritten by committee staff for the sole purpose of distorting the original intent of the authors. So, in essence, no one contacted our offices to be able to determine whether or not we actually intended that exemption, meaning as the report was being written. If it had not been for the staff of the Committee on Rules, we would not have had the opportunity to clear the air.

I do want to pay tribute to the Committee on Rules in this instance, Republicans and Democrats, who listened to our protest, if you will. And frankly, Mr. Speaker, I had hoped and thought that that matter could be resolved there in the Committee on Rules. The response of the majority of the Committee on Rules is to stand by it, or they stood by those amendments as they were described. It appeared as stated by the ranking member that the representations being made in the Committee on Rules is that one, the majority stood by it; and, two, that the alterations to our amendments were deliberate. When asked again why such an out-of-the-ordinary approach was taken, the majority responded and suggested that it was the tone of the debate that caused such to be done. Because we oppose the legislation, the ''got-you'' game was being played.

Mr. Speaker, that is why I rise today, because I would like to have today, May 10, 2005, really be the last, last day that we would entertain such actions. No matter how vigorous the debate in opposition, how be it that we would step away from the integrity of this House, the respect for the three branches of government and do as was done. The exact quote, as I understand, and I repeat it here, the majority offered to say, ''You don't like what we wrote about your amendments, and we don't like what you said about the bill.''

Mr. Speaker, that can take us all over the map. That is why we are in this place. That is why a President of the United States can stand with the Georgian people and talk about democracy and hold his head up high, because we are allowed to stand on the floor and vigorously disagree in a manner where we will not be punished.

So I would ask as we go forward that this kind of tone, this kind of approach not be utilized. I do not know what you would call it, but I certainly know that it has no place here.

So the resolution that was offered and debated on asked for a number of actions. I think now I should applaud one of the actions. In the emergency supplemental in the rules that were passed last week, the opportunity was taken to clarify the amendments. I am not sure whether or not any formal apology was made; but I imagine, Mr. Speaker, that when the record is corrected, we have received a response that addresses the historical record of this body. So it serves no purpose to ask for an apology today. I do think we were a little bit off our mark, and I would hope that having not asked for an apology and having not received it and seeking only the straightforward clarification, that will be the approach that we will take. One, that we will be allowed to debate in this body, whether it be in committee or on the floor, and vigorously disagree, and that in that disagreement, there will be no punishment.

The only factor that we should have as the test of whether we are right or wrong or whether or not we prevail is that vote. And, in many instances, the majority, now in control of the House, the Senate, the Supreme Court, the executive, by one party, prevails. In the instance of the Committee on the Judiciary, in this occasion on these amendments, the majority prevailed.

The minority, however, felt passion about the amendments and, in fact, believes that they were right; and I personally believe that two amendments, one to do a study of the negative impact of this legislation, if it might occur, or what dangerous procedures might occur of this legislation, where would a child seek to go because they were fearful of getting parental consent, that was a sincere amendment to get important facts. And giving a child the opportunity to talk to godparents or aunts and uncles or cousins, clergy or grandparents was not sinister; it was simply to protect lives.

So I would hope that that would be where we would divide on our beliefs, our reasons for the legislation; not on how we talked about a bill. For there have been many legislative initiatives that have had vigorous talk, and Members have agreed and disagreed about the vigorous talk. But the only criteria for prevailing or not prevailing is that vote, not a characterization by someone else that you are the leader of exempting sexual predators. Saying it over and over again, of course, may cause some to cringe, and it is not my intent, Mr. Speaker, but I think clarification is very important.

And in the course of the battle of that particular legislation, you can be assured as it was being debated, if the glimpses of the words that were gotten were only that it was something to do with sexual predators, that just muddies the water of the good intentions that you might be having and the intent of what you wrote in that amendment.

It would almost be like those who are abhorring drug cartels and drug dealers, that if they were to have an amendment dealing with a GAO study, determining the extent of drug cartels' influence in the United States or the growth of drug cartels between 1990 and 2005, and all of a sudden it was characterized as an amendment for the GAO to promote drug dealership and drug cartels, you would not want to hear that on the floor; but it certainly would be the complete opposite of your intent, and it would have mischaracterized the debate where you were standing and trying to determine whether some legislation promoted drug cartels more so than broke them up.

The Constitution allows us the opportunity for three branches of government, and I think that this country is unique because of it, very unique. In its uniqueness, we have checks and balances. The checks and balances do not purge into the inner workings of each body. So we are the holder of our own records. And it leaves little room sometimes in another body to go and complain about the workings of one specific body, particularly the words that are spoken.

□ 1815

And so there are no other grounds or no other opportunities to clear the air

other than to seek this personal privilege. Mr. Speaker, I hope that in the course of this discussion, it was not rendered in anger or anguish. It was simply rendered to say that what occurred deserved the greater attention of this body and that it was on the brink of abuse, and the sadness is that we had to rise to the floor more than once before it was ultimately corrected in the waning hours of last week's legislative session. Does that speak well of us? It does not. The Rules Committee is a place where we ferret out rules. Our respective committees is a place where we vigorously oversee legislation and provide our input and insight and our thought processes to do what is right. I would venture to say there has not been one committee hearing and markup where some Member promoted the criminal elements that would do harm to America. And if any thought came to the mind of a colleague that that was the intent of that Member, I would assure you that the best approach of that particular colleague would be to query that Member in that committee room. None of us were queried about the question of the intent of our amendments, whether or not they had to do with predators, child sexual predators, sexual predators. No one was queried. And therefore, the interpretation that was attributed to us was purposeful. And here on this floor, the same courtesy should be extended. And if you are misunderstood, if you misspeak, from the integrity again of this record that would be for all to see, someone should query you and give you the opportunity to correct your words, or in the alternative, when the height of the debate is so furious there is a challenge by someone at some point, that the words be called out.

There are a lot of papers here, Mr. Speaker, because I am looking at this debate that went on, and so I will not add to some of the accusations that were made in the debate going back and forth. I am simply going to conclude by asking, again, that it not ever be done again and asking that we respect the individual rights of Members to defend and represent their constituents and to offer vigorous debate, both consent and dissent, and as well the right to vigorously disagree on a legislative initiative. If we can hold to those tenets and the idea of the Constitution, which I hold very dear, which I will read briefly into the record, ''the sacred rights of mankind'', a statement by Alexander Hamilton, 1775, ''are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam on the whole volume of human nature by the hand of the divinity itself and can never be erased or obscured by mortal power.''

Of course, this is high language to talk about the rights bestowed upon mankind, humankind, that they are not found in paper. And this quote is correct.

But one thing is right as well, Mr. Speaker, is that although all is not said and done on the written word, it certainly is a parallel to our rights, because we look to a written document for our rights. We look to the written word. We look to the Madison papers to determine our rights. And therefore, the written word is extremely important.

We have had our say on this, and I hope that it has been a deliberate statement. We will do work in the Judiciary Committee in the coming days and weeks and months. We will have many opportunities to vigorously disagree.

I might say, Mr. Speaker, we have had many opportunities to agree. And I expect that we will find common ground throughout the days and weeks and months, Democrats and Republicans, around issues of importance to the Nation. But when we use this document to exercise our job and to debate vigorously and disagree, we should not be cited for what we have said about a bill, or punished because we have said something about a bill that others would not agree with.

Our final act will hopefully be one that is respectful of this House and of this place. To the Judiciary Committee Members as we gather on a daily basis, weekly basis, I believe they will all agree that we have the right to disagree and to debate vigorously in the committee, in the Rules Committee and on this floor.

Again, Mr. Speaker, I close by saying I hope never again, never again.

Mr. Speaker, I rise to raise a point of personal privilege under rule IX, clause 1 of the House Rules. This point, as did the point raised by my colleague on the Judiciary Committee from New York, Mr. NADLER, relates to the malreporting by the Republican Leadership of the Committee on the Judiciary with respect to H.R. 748, the Child Interstate Abortion Notification Act of 2005.

While I appreciate the efforts of the Chairman of the Judiciary Committee for having filed a supplemental report (part 2 of House Report 109–51), I must raise this point of personal privilege nonetheless in order to emphasize the fact that the accuracy and the veracity of House committee reports carries tremendous weight and implications for the reputation, professional record, and personal life of Members of Congress.

Again, while the supplemental report to 109–51 makes some corrections to the mistakes made in Part 1, the report still contains an inaccurate representation of the amendments that I, Representative SHEILA JACKSON LEE, offered in committee on April 13, 2005 in room 2141 of Rayburn. I offered two amendments en bloc that read as such:

Amendment No. 1, designated as DL–005,

Page 3, after line 2, insert the following:

''(3) The prohibitions of this section do not apply with respect to conduct by clergy, godparents, aunts, uncles, or first cousins.''

Amendment No. 2, designated as DL–006,

Add at the end the following:

SEC. 4. STUDY BY THE GENERAL ACCOUNTING OFFICE.

The General Accounting Office shall conduct a study detailing the impact of the number of unsafe and illegal abortions performed on minors who would be affected by this law, and report to Congress the results of that study within 1 year of the enactment of this Act.

Again, while I offered these amendments en bloc, they were separate and distinct amendments. The Supplemental Report, page 2 states that:

Ms. JACKSON LEE offered an amendment that would have exempted from the Act any clergy, godparents, aunts, uncles, or first cousins, and would require a study by the Government Accounting Office

(emphasis added). This combination of the two distinct amendments give an inaccurate representation of the amendments that I offered during Committee and therefore, muddled the import of the very substantive amendment on which I joined my colleagues during our debate of the bill on the Floor on April 27, 2005.

I would like to cite the insightful and sagacious words of my colleague, the distinguished ranking member of the Committee on Rules on April 27, 2005 on this matter:

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

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

As my colleague stated, the amendments ''instruct the American people as to what the original intent . . . was.'' It took a resolution of privilege introduced by the Ranking Member JOHN CONYERS, a point of personal privilege, and a wealth of time and debate before the Committee on Rules to move the leadership of the Committee on Rules to even tender an action to redress the problem. The lack of accuracy in the supplemental report just underscores and reiterates the initial mal-intent to commit a malfeasance.

Under rule IX, paragraph (1) of the House Rules, Mr. NADLER justifiably asserted his point because not only his but my ''rights and reputation'' have been offended by the conduct of the Chairman in publishing House Report 109–51. To reiterate, the language used in pages 45–49 patently malreported and maligned the authors of amendments to H.R. 748, the Child Interstate Abortion Notification Act of 2005.

On May 3, 2005, the ranking member of the Committee on the Judiciary led debate on his resolution of privilege, H. Res. 253 that concerned the ways in which the act of the Chairman of the Judiciary Committee negatively affected the ''rights of the House collectively, its safety, dignity, and the integrity of its proceedings.''

So too, was this resolution properly and justifiably introduced because, in that case, the privileges of ''dignity'' and ''the integrity of [the House's] proceedings'' have been patently violated. To purposefully misreport the good-faith amendments that have been offered by Members of this venerable House debases the nature and trustworthiness of the House Report.

After this debacle, Members will still have to scan committee reports with a fine-toothed comb—not for substantive value, but for accuracy and veracity of their reporting value. This is the diminution of the dignity of the process. This is the diminution of the integrity of the House.

The American people must be made aware that we, the authors of the amendments on pages 45–49 of House Report 109–51 do not associate ourselves with the misreported portions thereof.

House Report 109–51 not only improperly made negative inferences as to the import and intent of my amendments, and the supplemental report still combines two distinct and separately-offered amendments into one.

In terms of the personal privileges violated by the report, the misreporting—and the malreporting of the amendments offered by my colleagues Mr. SCOTT, Mr. NADLER, and me affected our rights, reputation and conduct. As founder and chair of the Congressional Children's Caucus, a report that cites an amendment offered by me that would exempt sexual predators from liability is at the very least offensive.

My constituents and the constituents of my colleagues do read House Reports, and the nefarious language that the chairman avers as representative of his true intentions should be highlighted as contrary to the ideals on which this House, this Government, and this Nation were established.

[From the U.S. Fed News, Apr. 26, 2005]

HOUSE REPUBLICANS: ARROGANCE UNCHECKED

WASHINGTON, DC.—Rep. Louise M. Slaughter, D–NY (28th CD), issued the following statement:

Rep. Louise M. Slaughter (D–NY–28), Ranking Member of the House Committee on Rules, delivered the attached statement on the House Floor this morning regarding the gross abuse of power by Chairman James Sensenbrenner and the Majority on the Judiciary Committee this week.

Chairman Sensenbrenner and his staff rewrote the captions of five Democratic Amendments to distort their meaning and intent in the Judiciary Committee Report on H.R. 748. The goal of the distortion was to clearly suggest that the amendments were written to protect the rights of sexual predators, which is absolutely false.

Rep. Slaughter stated during her floor speech, ''. . . to falsely rewrite the intent of an amendment submitted by another member, to intentionally distort its description as being designed to protect sexual predators, is no different than accusing a fellow member of Congress as being apologists for sexual predators themselves. That is in effect what the Chairman of the Judiciary Committee has done here . . .''

The ''Sensenbrenner Standard'' is a Clear Abuse of Power.

Chairman Sensenbrenner maintains that he was justified in changing the captions, because the language of the amendments did not expressly provide exceptions for grandmothers and grandfathers who also happen to be sexual predators. But the ridiculousness of this argument is easily apparent.

The amendments didn't have language that expressly included the possibility that the grandparents may be terrorists either, but that doesn't mean it is not still illegal to be a terrorist. In fact, there are an infinite number of possible exceptions that would have to be expressly addressed in every single amendment or bill offered if this new standard were properly utilized. This is called the ''Sensenbrenner Standard.''

For example, the tax cuts which passed this last Congress do not include specific exceptions for sexual predators. If the ''Sensenbrenner standard were properly applied, it should be renamed the ''Sexual Predator Tax Relief Act''.

Likewise, the Small Business Bill of Rights, which the House is considering today, would be renamed the ''Sexual Predator Bill of Rights,'' as there are, no doubt, sexual predators who own small businesses in America which are not specifically excluded in this legislation.

''For Republicans to deem it their right to falsify and distort the work of other Members of Congress is the height of arrogance and another abuse of power,'' states Congresswoman Slaughter. She added ''The Sensenbrenner Standard is a dishonest and offensive Republican tactic that further damages the waning credibility of this government. Mr. Sensenbrenner and the Republican leadership of this body owe an apology to the Democratic Members of Congress whom they have maligned.''

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

The following chart demonstrates how Judiciary Committee Republicans blatantly mischaracterized these amendments in their official committee report on the bill. This is in a public document containing the legislative history of this bill:

Description of Amendment: (1) A Nadler amendment allows an adult who could be prosecuted under the bill to go to a Federal district court and seek a waiver to the state's parental notice laws if this remedy is not available in the state court. (no 11–16)

Amendment description in House Report 109–51: Roll Call No. 1. Mr. Nadler offered an amendment that would have created an additional layer of Federal court review that could be used by sexual predators to escape conviction under the bill. By a roll call vote of 11 yeas to 16 nays, the amendment was defeated.

Description of amendment: (2) A Nadler amendment to exempt a grandparent or adult sibling from the criminal and civil provisions in the bill (no 12–19)

Amendment description in House Report 109–51: Roll Call No.2. Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor. By a roll call vote of 12 yeas to 19 nays, the amendment was defeated.

Description of amendment: (3) A Scott amendment to exempt cab drivers, bus drivers and others in the business transportation profession from the criminal provisions in the bill (no 13–17)

Amendment description in House Report 109–51: Roll Call No.3. Mr. Scott offered an amendment that would have exempted sexual predators from prosecution if they are taxicab drivers, bus drivers, or others in the business of professional transport. By a roll call vote of 13 yeas to 17 nays, the amendment was defeated.

Description of amendment: (4) A Scott amendment that would have limited criminal liability to the person committing the offense in the first degree (no 12–18)

Amendment description in House Report 109–51: Roll Call No.4. Mr. Scott offered an amendment that would have exempted from prosecution under the bill those who aid and abet criminals who could be prosecuted under the bill. By a roll call vote of 12 yeas to 18 nays, the amendment was defeated.

Description of amendment: (5) A Jackson-Lee amendment to exempt clergy, godparents, aunts, uncles or first cousins from the penalties in the bill (no 13–20)

Amendment description in House Report 109–51: Roll Call No. 5. Ms. Jackson-Lee offered an amendment that would have exempted sexual predators from prosecution under the bill if they were clergy, godparents, aunts, uncles, or first cousins of a minor, and would require a study by the Government Accounting Office. By a roll call vote of 13 yeas to 20 nays, the amendment was defeated.

Text of Rep. Slaughter's Floor Speech:

''. . . but I want to talk for a minute about another abuse which has occurred in this chamber, a personal affront to three of our colleagues I have never witnessed in my near twenty years serving in this House.

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

This Committee Report took liberty to mischaracterize and even falsify the intent of several amendments offered in Committee by Democratic Members of this body.

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

The thing is, sexual predators were not mentioned anywhere in any of these amendments.

These amendments were no more about sexual predators then they were about terrorists or arsonists or any other criminal class in our society. These amendments were about the rights of grandmothers and siblings and clergy and innocent bystanders.

I asked the Chairman of the Judiciary Committee about this deception yesterday afternoon at the Rules Committee hearing.

And instead of decrying what I certainly expected would be revealed as a mistake by an overzealous staffer . . . The Chairman stood by those altered amendment descriptions. He made very clear to the Rules Committee that the alterations to these members' amendments were deliberate.

When pressed as to why his committee staff took such an unprecedented action, the Chairman immediately offered up his own anger over the manner in which Democrats had chosen to debate and oppose this unfortunate piece of legislation we have before us today.

In fact . . . He said, and I quote . . . ''You don't like what we wrote about your amendments, and we don't like what you said about our bill.''

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

That is in effect what the Chairman of the Judiciary Committee has done here, with all deliberation.

And he has ensured that these amendment descriptions will be encapsulated in the record for all time by including those unfair and incorrect amendment summaries in the Committee report.

This is a new low for this chamber Mr. Speaker.

This is a clearly dishonest, unethical attack on the credibility and character of another member. And sadly, it is just the latest in a pattern of unethical and abusive tactics employed by this Majority.

How incredibly arrogant is this majority . . . that they believe they have

the right to tamper with official congressional documents for their own political purposes?

How unbelievably arrogant is the leadership of this Congress . . . that they would force their own politicized interpretation of another member's work upon this body and upon the American people, in an official committee report?

The Majority's actions are not only an affront to all members of this house, but they are also an affront to the American people.

There is no question that we can debate and disagree over the impact a bill will have.

We can argue over how well it has been written or what language it should include to be more effective. But regardless of how that debate turns out, the caption on the top of that bill or amendment serves to instruct the American people as to what original intent of that legislation was.

It serves as an unbiased reading on what that amendment aims to accomplish.

To falsify and rewrite that description as a political attack, is not only unprecedented, it is fundamentally dishonest and it is an abuse of the power given to the Majority by the American people.

And I have no doubts Mr. Speaker, no doubts, that unless the Congressional Record is amended to reflect the true captions of these amendments, then we will surely see these erroneous captions again in the form of campaign attack mail pieces.

In fact, when we pressed last night in the Rules Committee to have the record amended to reflect the honest and accurate captions that belong on those amendments, we were defeated on a party line vote.

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

Mr. Speaker, I have often heard the Chairman of the Rules Committee as well as other Republicans talk about the loss of civility in this chamber.

But perhaps they will be the last to realize, that in order to regain some of that lost civility, they need look no further than their own abusive, unethical and arrogant administration of this House of Representatives.''

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

The Judiciary Committee Republicans blatantly mischaracterized these amendments in their official committee report on the bill. This is in a public document containing the legislative history of this bill.

Description of amendment	Amendment description in House Report 109–51
(1) a Nadler amendment allows an adult who could be prosecuted under the bill to go to a Federal district court and seek a waiver to the state's parental notice laws if this remedy is not available in the state court (no 11–16).	Rollcall No. 1. Mr. Nadler offered an amendment that would have created an additional layer of Federal court review that could be used by sexual predators to escape conviction under the bill. By a rollcall vote of 11 yeas to 16 nays, the amendment was defeated.
(2) a Nadler amendment to exempt a grandparent or adult sibling from the criminal and civil provisions in the bill (no 12–19).	Rollcall No. 2. Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor. By a rollcall vote of 12 yeas to 19 nays, the amendment was defeated.
(3) a Scott amendment to exempt cab drivers, bus drivers and others in the business transportation profession from the criminal provisions in the bill (no 13–17).	Rollcall No. 3. Mr. Scott offered an amendment that would have exempted sexual predators from prosecution if they are taxicab drivers, bus drivers, or others in the business of professional transport. By a rollcall vote of 13 yeas to 17 nays, the amendment was defeated.
(4) a Scott amendment that would have limited criminal liability to the person committing the offense in the first degree (no 12–18).	Rollcall No. 4. Mr. Scott offered an amendment that would have exempted from prosecution under the bill those who aid and abet criminals who could be prosecuted under the bill. By a rollcall vote of 12 yeas to 18 nays, the amendment was defeated
(5) a Jackson-Lee amendment to exempt clergy, godparents, aunts, uncles or first cousins from the penalties in the bill (no 13–20).	Rollcall No. 5. Ms. Jackson-Lee offered an amendment that would have exempted sexual predators from prosecution under the bill if they were clergy, godparents, aunts, uncles, or first cousins of a minor, and would require a study by the Government Accountability Office. By a rollcall vote of 13 yeas to 20 nays, the amendment was defeated.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman from Texas, Ms. JACKSON-LEE, for her courage in bringing this personal privilege before the House.

The very fact that this Member has been mistreated should cause all of us deep concern. It is wrong and unacceptable.

The fact that a report is being supplemented by the Chairman with significant and startling changes attests to the fact that the Majority knew that the original report was wrongly and inappropriately filed. But that does not resolve the matter—an apology is owed to Ms. JACKSON-LEE by the Chairman of the Judiciary Committee.

I know that the distinguished Chairman, for whom I have great respect, would like to call it a drafting dispute or return to a discussion on the merits of the bill.

In fact, I would think that the Chairman of the Judiciary would be sensitive to the treatment of committee reports and would share my view that committee reports should not be misused to hurt a Member, given that the distinguished Chairman was the cosponsor of a resolution in 1983 regarding the alteration of committee reports, a matter of seriousness that was ultimately investigated by the Ethics Committee.

This issue is about fundamental respect for our democracy, for the dignity of the House, and for the integrity of the proceedings of this body. It is about how we treat each other, and it is about trust and the betrayal of that trust.

The bounds of trust that we need to function in this Body are weakened even further by this sorry and disgusting chapter. What the leadership of the Committee on the Judiciary did is just another extension of the abuse of power of the Republican majority in both Chambers of the Congress of the United States.

What they are doing with the filibuster in the other body is to try to silence the Minority and break the rules. They are using any means to justify their partisan agenda to the far right, even if it violates the rules, the Constitution, and fundamental decency and trust.

Here in the House, there is an attempt to disregard the rules that protect us all, corrupt the integrity of our proceedings, and demean not only the dignity of this House, but going so far as to demean individual Members.

There is an attempt to limit the voice of the Minority, reducing the opportunity for Members to speak on the floor, and offer substitutes and amendments.

Comity and trust between the Majority and the Minority are essential and must be encouraged. That is why the Republican Leadership has an obligation to come here right now on the floor and disavow this disgraceful behavior.

There is no need for this kind of misbehavior and abuse by the Majority. We should follow the rules of this House and treat each other with the proper respect.

To preserve the trust that the American people place in us, the Republican leadership in this House must pledge that this travesty will never happen again.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my question of personal privilege today.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H. Res. 193, by the yeas and nays;

H. Res. 142, by the yeas and nays.

EXPRESSING SUPPORT OF THE HISTORIC MEETING OF THE ASSEMBLY TO PROMOTE THE CIVIL SOCIETY IN CUBA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 193.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 193, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 22, answered ''present'' 1, not voting 18, as follows:

[Roll No. 162]

YEAS—392

Abercrombie	Bachus	Bass
Ackerman	Baird	Bean
Aderholt	Baker	Beauprez
Akin	Baldwin	Becerra
Alexander	Barrett (SC)	Berman
Allen	Barrow	Berry
Andrews	Bartlett (MD)	Biggert
Baca	Barton (TX)	Bilirakis

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

NAYS—22

Conyers
Farr
Hinchey
Jones (OH)
Kilpatrick (MI)
Kucinich
Lee
McDermott
McKinney
Meeks (NY)
Miller, George
Olver
Paul
Payne
Rangel
Serrano
Stark
Towns
Udall (NM)
Velázquez
Waters
Woolsey

ANSWERED ''PRESENT''—1

Moore (WI)

NOT VOTING—18

Berkley
Costello
Dingell
Ferguson
Gutierrez
Hastings (FL)
Hulshof
Keller
Lantos
Larson (CT)
Millender-McDonald
Musgrave
Otter
Sanders
Schiff
Tierney
Weiner
Wilson (SC)

□ 1851

Ms. LEE, Mr. FARR, Mr. UDALL New Mexico and Mrs. JONES of Ohio changed their vote from ''yea'' to ''nay.''

Ms. SCHAKOWSKY changed her vote from ''nay'' to ''yea.''

Ms. MOORE of Wisconsin changed her vote from ''yea'' to ''present.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING GOALS AND IDEALS OF A ROTARY INTERNATIONAL DAY

The SPEAKER pro tempore (Mr. PEARCE). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 142.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 142, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 163]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
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
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne

Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Bachus
Berkley
Conyers
Dingell
Frank (MA)
Gilchrest
Gutierrez
Harris
Hastings (FL)
Hulshof
Lantos
Larson (CT)
Millender-McDonald
Musgrave
Otter
Sanders
Schiff
Tierney
Weiner
Wilson (SC)

□ 1909

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Tuesday, May 10, 2005, to vote on rollcall vote Nos. 162 and 163 due to a family medical emergency.

Had I been present, I would have voted: "Yea" on rollcall vote No. 162 on H. Res. 193—expressing support to the organizers and participants of the historic meeting of the Assembly to Promote the Civil Society in Cuba on May 20, 2005, in Havana; "yea" on rollcall vote No. 163 on H. Res. 142—supporting the goals and ideals of a "Rotary International Day" and celebrating and honoring Rotary International on the occasion of its centennial anniversary.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEARCE). 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.

ASSAULT WEAPONS BAN

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

Mrs. MCCARTHY. Mr. Speaker, last Saturday's New York Times revealed that since the expiration of the Federal ban on assault weapons there have been no real boom in sales of the weapons at American gun stores. Opponents of the ban seized the opportunity to say the ban was ineffective. However, I think these statistics prove that assault weapons have absolutely no practical purpose except to kill human beings.

Many Members of the House have told me the assault weapons ban is an affront on our second amendment rights, but the public never saw the assault weapons ban as an infringement on their second amendment rights. Last September, a Dallas newspaper ran a poll indicating that 78 percent of Texas gun owners supported keeping the ban in place. And nobody takes their second amendment rights more seriously than Texas gun owners. So nobody should be surprised that the sales of these weapons are so low.

However, some people are buying these weapons. They may intend to use these guns in crimes; and because of our pre-9/11 gun laws, these people could possibly be aligned with our enemies in the war on terror. It is time for this Congress to finally be proactive when it comes to gun safety and gun laws. We cannot wait for another Columbine before we address how easy it is for criminals and terrorists to legally purchase these hand-held weapons of mass destruction.

We need commonsense gun laws that allow law-abiding citizens to purchase guns for sport and self-defense, but ensure that those criminals with felonies and terrorist backgrounds cannot arm themselves. We need a new stronger assault weapons ban.

One of the things that I certainly will be working for is the large-capacity clips.

□ 1915

There are many that will say, Well, it doesn't matter how many clips you have. But if you see what these clips can do, especially against our police officers, it is something that we should not allow, certainly in this country. The only ones that should be allowed to own them are our police officers and certainly our military.

Resourceful criminals still found a way to obtain illegal weapons. However, the ban made these weapons more expensive. And because they became more expensive, we saw that gangs were not buying these guns. I think that is one of the reasons why it worked.

Tomorrow we are going to be voting on an anti-gang bill. We see our police officers on the front line against these gangs all the time. During the 10 years that the ban was in place, crimes involving banned weapons dropped by 60 percent, so we do know that it was working. Nearly every police organization in this country supported the assault weapons ban and wants to make sure that we try and get it in place again. When the men and women on the front lines in the war on gangs and crime in this country say they want assault weapons banned, we should listen.

This week we are celebrating or mourning those police officers that were killed in this last past year. Every year it seems that the numbers are growing. We should be doing more to protect our police officers that try to protect us on a daily basis. However, we need to improve on the shortfalls of the old ban, namely, magazines as I have mentioned that hold more than 10 rounds.

Personally, I remember going back to 1993 when there was a shooting on the Long Island Railroad and my husband was one of those killed. The person that was doing the shooting had clips of 15 and more bullets. Every one of those bullets made its mark, killing a number of people and injuring many, my husband dying and my son certainly being injured. If we had a clip that was only 10, 15 people might not have been injured or killed. I think that is important.

The only Americans who should be allowed to have these weapons are soldiers and police officers, as I have said. Using one of these weapons with these clips in your home would certainly take down an intruder, but the bullets are flying. Come on, let us use some common sense. They would be flying all over the place. You could be hitting your neighbor. Why do we need clips that are more than 10? As I said, our police officers should have them, but it will probably be when we see these gangs buying the large capacity clips, that is when we will have outrage here.

Mr. Speaker, it is time to stop listening to the NRA's rhetoric and start listening to common sense. We should be working together. The whole idea is to make sure that people are safe. No legislation that anyone is trying to do that I am aware of is taking away the right of someone to own a gun. We certainly should make it harder for those criminals, those terrorists that are out there at gun shows buying guns, criminals and gangs buying guns illegally. We can do a better job.

Mr. Speaker, I hope in the next several weeks that we will see legislation come down. I certainly will work on it.

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

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

ORDER OF BUSINESS

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to take my special order at this time.

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

There was no objection.

HONORING THE PASSING OF RAFAEL DIAZ-BALART

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, it is with a heavy heart and many fond memories that I stand here today to honor the life and invaluable legacy of Dr. Rafael Diaz-Balart. As a prominent attorney and elected official in his native land of Cuba, Rafael quickly rose to the position of majority leader in the Cuban Republic's House of Representatives before Fidel Castro illegally seized power in the 1959 Communist revolution.

As majority leader, Rafael warned his legislative colleagues of Castro's desire of absolute power, a desire that would be achieved by any means necessary. In a prophetic speech, Rafael said in the legislature of Castro's thugs, ''They do not want peace. They do not want a national solution. They do not want democracy or elections or fraternity. Fidel Castro and his group seek only one thing, power, and total power at that. And they want to achieve that power through violence, so that their total power will enable them to destroy every vestige of the constitution and law in Cuba, to institute the most cruel, most barbaric tyranny, a tyranny that would teach the people the true meaning of tyranny.''

How sadly correct Rafael Diaz-Balart was so many years ago. Vigilantly opposed to the Communist tyranny and oppression that had taken hold of his country, Dr. Diaz-Balart and his family fled the island. Shortly after leaving Cuba, he founded the White Rose Party, an organization dedicated to fighting against Castro's dictatorial regime and restoring democracy and liberty in Cuba. In addition, his testimony to the United States Senate in 1960 alerted the Nation to the dangers of Castro's government. In his testimony, Rafael provided evidence of Castro's oppression and his abuse of the political dissidents as well as the global threat of communism.

He, like my father Enrique Ros and so many others who fled Cuba due to Castro's dictatorial regime in these four decades, dreamed of a free Cuba, a country where human rights would once again be respected, where political prisoners would be freed, where a democratic multiparty political system would flourish and a free market economy would thrive, thus allowing the Cuban people and their foreign economic partners to own their own businesses and to prosper.

A passionate and dedicated leader, Rafael was a relentless defender of human rights. He along with so many other human rights activists brought Cuba's ongoing human rights violations to the attention of the United States Government, to the attention of the American people and, indeed, to the international community. In addition, Rafael demonstrated his ability to fight not only for the Cuban and the Cuban-American community but for all oppressed people throughout the world. His determination and his resoluteness have guided me in my own career as a public servant from my beginnings in the Florida State legislature to my current position in the United States Congress. I was inspired by his endless commitment to the Cuban people and to all individuals living under dictatorial rule.

His sons Rafael, Jose, Lincoln and Mario continue this legacy of promoting peace, liberty and the rule of law, a legacy that began with Rafael Diaz-Balart, Sr., the namesake of Florida International University's college of law. Perhaps Rafael's strongest political legacy is the one that he has passed on to his children and to his grandchildren, especially his sons Jose and Rafael and our esteemed colleagues serving with us in the U.S. House of Representatives, Congressmen LINCOLN and MARIO DIAZ-BALART.

I am privileged to have known and to have worked closely with Rafael and the Diaz-Balart family throughout my professional career as a legislator. Together with them, I will continue to promote a free and democratic Cuba and democracy throughout the world.

Mr. Speaker, I rise today in honor of Dr. Rafael Diaz-Balart, who was a wonderful friend, a loving husband, a dedicated father and one of the most outstanding members of our Florida community. My thoughts and my prayers go out to his family during this difficult time. He will be sorely missed by all.

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

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

ORDER OF BUSINESS

Mr. EMANUEL. 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 Illinois?

There was no objection.

LOBBYING REFORM

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

Mr. EMANUEL. Mr. Speaker, in the past few months and days, a constant stream of headlines has opened the public's eye to the relationship between lawmakers and lobbyists and what goes on in this town and how we make our laws. Professional lobbyists have become a virtual ''back office'' for Congress and Congressmen, serve as travel agents, employment agencies and authors of legislation. In the past 6 years, lobbying expenditures have more than doubled to $3 billion annually, nearly twice as much as we spend on campaigns. That is what they spend trying to influence the type of legislation we have. Whether it is on pharmaceutical legislation, prescription drugs, whether it is on the tax legislation, whether it is on energy legislation, the amount spent by lobbyists has doubled trying to influence the Members of Congress.

Yet while the number of professional lobbyists and their fees have increased, only one in five lobbyists required to register actually does. Of the 250 top lobbying firms, 210 have failed to file one or more of the necessary documents. The bottom line is that the special interests benefit from weak reporting, nonexistent oversight and toothless penalties while the credibility of the United States Congress, this entire institution and the Members who serve in it, suffers.

We have had in the past debates about campaign finance reform and proper debates about the relationship between donors and congressional candidates. It is time now to have a debate and pass legislation about the relationship between professional lobbyists and Members of Congress. The last major lobbying reforms were over 10 years ago. It is time to update our laws to reflect the explosive growth and increasing influence of professional lobbyists on this institution, the people's House.

For all those reasons, the gentleman from Massachusetts (Mr. MEEHAN), the gentleman from Maryland (Mr. VAN HOLLEN) and I have introduced the Lobbying and Ethics Reform Act. Our bill creates a code of official conduct for Congress. This code of conduct would close the revolving door by requiring former Members and staff to wait 2 years before coming back to lobby the institution they had worked at prior. The bill also ends the practice of lobbyists serving as congressional travel agents by arranging lavish junkets for Members. Our bill would require congressional travel to conform to expense guidelines similar to those of other government employees, so it is actually the work that trip is intended to do and work on that trip rather than it becoming a lavish vacation and a working trip in name only. We also require lobbyists to disclose their past connections, previous Hill employers and financial activities on a public database.

The Meehan-Emanuel bill increases the penalties for failing to comply with the Lobbying Disclosure Act. It also

creates a bipartisan House task force to recommend ways to reinvigorate ethics oversight and enforcement. It would require the Government Accountability Office to report twice a year on the state of oversight and enforcement.

Mr. Speaker, the gavel of this institution when it comes down should mark the opening of the people's House, not the auction house. Unless we reform the relationship between lobbyists and Members of Congress, we cannot restore the public's faith in the people's House. We are suffering from a systematic problem requiring an institutional solution.

Legislation here that we produced in the last Congress, the pharmaceutical industry spent $154 million lobbying Members of Congress. When we were working on the reimportation legislation of pharmaceutical products, there were two lobbyists for every Member of Congress. The prescription drug bill was passed in a year in which lobbyists for the pharmaceutical industry was one of the biggest spenders on lobbying Members of Congress ended up resulting in an additional $150 billion of profits for the pharmaceutical industry over a 10-year period of time.

Just the other day, we voted, this Congress, on an energy bill, a badly needed bill that did not deal with gas prices at the pump and yet gave tax credits, the public's tax money, to the wealthiest corporations who are making the biggest profits. Even the President acknowledged that it was wrong. Why? Because this institution is being lobbied by members that have the right to have their voices heard but not the right to have their voices literally drowning out the public's voice and individuals who vote for us.

It is time for this institution and the Members of Congress of both parties to come together, change the way professional lobbyists relate to Members of Congress, how they relate to the institution, whether there is a revolving door that goes from here, you go to a place of employment and whether you have in fact the transparency and the disclosure that is required, because in truth this is the whole cloud that exists, exists over all the institution. It requires all of us to work on dealing with this.

Mr. Speaker, we have a duty to ensure that the voices of the American people are not drowned out by the voices of the professional lobbyists working the halls of Congress. Only through lobbying reform can we restore the integrity of the Congress and retain the people's trust. We work on important issues here but not so important that it must literally push out the other voices. There is time and again, whether it is dealing with the pharmaceutical industry, the corporate tax bill, the energy bill, other pieces of legislation, you can mark literally the amount of money spent by the lobbying community and the type of legislation this institution passes.

When that gavel goes down, it is intended to open the people's House, not the auction house.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

IN SUPPORT OF LIEUTENANT PANTANO

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

Mr. JONES of North Carolina. Mr. Speaker, I have discussed at length how, a year ago in Iraq, a Marine second lieutenant, Ilario Pantano, made a split-second battlefield decision to shoot two Iraqi insurgents who refused to follow his orders to stop their movement towards him.

Two and a half months later a sergeant under his command, who never even saw the shooting and who was earlier demoted by Pantano for his lack of leadership abilities, accused him of murder. Now Lieutenant Pantano is facing a possible court-martial for two premeditated murders, a charge that can be punished by death.

Two weeks ago, the Marines held an article 32 hearing on the case. Now the hearing officer has received an extension until Friday to determine his recommendation about whether this should move forward to a court-martial.

□ 1930

Mr. Speaker, I stand here tonight, as I have many other nights, in support of Lieutenant Pantano. I have always maintained the innocence of Lieutenant Pantano, and I believe the hearing produced information that should conclusively prove his innocence.

During the hearing, it became clear that Sergeant Coburn, who accused Lieutenant Pantano of these actions, was not a credible witness. This sergeant has been demoted for his lack of leadership; and even while testifying, he was forced to admit that he recently disobeyed orders about publicly discussing this case. News reports from hearings recounted that during his testimony, Sergeant Coburn said ''I don't know'' or ''I can't remember'' over 50 times. It is inconceivable to me that these charges can move forward when the primary witness is someone who did not actually see the shooting and whose testimony was riddled with contradictory statements.

Mr. Speaker, I have heard from so many people across this Nation who want this Marine exonerated. Like me, they believe he should never have been charged in the first place.

I have the utmost confidence and faith in the United States Marine Corps that in the next few days they will do what is the right thing by correcting this mistake and dismissing all charges against Lieutenant Pantano. I fear that if Lieutenant Pantano faces a court-martial for his actions, there may come a time when some other Marine, soldier, sailor, or airman will pause to second guess his or her decision and those few seconds may mean the difference between life and death for them.

Mr. Speaker, we cannot send the wrong message to our men and women in uniform. To instill doubt into the minds of our Nation's defenders places their lives and the security of our Nation in jeopardy.

I certainly hope that the Article 32 proceedings will finally bring out the truth in this case and bring closure to Lieutenant Pantano's family so that they may move forward with their lives.

By all accounts Lieutenant Pantano was an exceptional Marine. During the Article 32 hearing, many of those who served under him testified to his leadership ability and their sense of comfort and safety under his command. I pray that this week the hearing officer will recommend dismissal of all charges so that Marines can welcome back one of their finest officers and so Lieutenant Pantano may return to the Corps he loves so much.

Mr. Speaker, I continue to ask my colleagues to research this case and consider supporting House Resolution 167, my resolution to support Lieutenant Pantano as he faces this battle. And I encourage all of the Members to also visit his mother's Web site at www.defendthedefenders.org. I repeat: www.defendthedefenders.org, and learn more about this fine young Marine. I would be proud to call him my son or son-in-law.

I close, Mr. Speaker, by asking God to please bless the Pantano family and ask God to please bless all of our men and women in uniform and their families. And I ask God to please continue to bless America.

ABU GHRAIB SCANDAL: WHERE DOES THE BUCK STOP?

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

Ms. KAPTUR. Mr. Speaker, I rise tonight to discuss a vital issue that has

not received nearly as much attention as it should, and that is the full accountability of those responsible for the prison abuse at Abu Ghraib prison in Iraq and likely other abuses in other locations.

Last week, 1 year after the shocking pictures of prisoner abuse became public, a military judge declared a mistrial in the case against Private First Class Lynndie England, and I emphasize private first class.

England, one of just a few enlisted personnel charged in the case, attempted to plead guilty in order to receive a more lenient sentence. But Judge James Pohl threw her guilty plea out and the court-martial after determining that Private England could not have realized her actions were wrong. Maybe that is because exactly 1 year ago today, Private England told the media that she was ordered by her superiors to pose naked with Iraqi prisoners at Abu Ghraib prison.

The case has more questions about Abu Ghraib than it answers, Mr. Speaker. Who was really in charge at Abu Ghraib prison? Who ordered the torture, abuse, humiliation of those prisoners? Why have only a few enlisted personnel, and very low-ranking ones at that, and one Reservist officer been punished? What was the real chain of command? Were contractors involved at any point? And how did their involvement compromise the normal chain of command?

According to the Christian Science Monitor, a study by the Army Inspector General, not yet released but reported last week by the media, has exonerated all senior Army officers in Iraq and elsewhere. How about that? Exonerated them all, except the single brigadier general in charge of U.S. prison facilities in Iraq. Why does the Pentagon refuse to look up the chain of command, only trying to place blame at those at the very bottom? Does anyone really believe that these soldiers acted on their own?

The Philadelphia Inquirer editorialized: ''No one at the top . . . is blamed for wrongdoing,'' even though the ''climate was fostered from the top down that tolerated, even encouraged, the abuse at Abu Ghraib.''

In February, 2004, the International Red Cross released a report detailing dozens of serious human rights violations that occurred in Iraq between just March and November of 2003, including electrocution, forced nudity, and other lewd sex acts, forcing detainees to wear hoods and more.

Who should be held accountable? First, Secretary of Defense Donald Rumsfeld. He is at the top of my list. Personally authorized similar abusive interrogation techniques for prisoners held in Guantanamo Bay, Cuba, including the use of dogs for intimidation, the removal of clothing, the hooding of prisoners, and ''noninjurious physical contact.'' He ordered several prisoners in Iraq, though not at Abu Ghraib, to be hidden from the International Red Cross so the organization could not monitor their treatment. Are we supposed to believe that such actions at Abu Ghraib were a mere coincidence and not orchestrated by anyone who had the power to order from the top down?

How about Lieutenant General Ricardo Sanchez? He is second on my list. Two Army investigations, one of which he stated he ''failed to ensure proper staff oversight'' of Abu Ghraib, but he has yet to be officially sanctioned, punished, or charged.

Third, Major General Geoffrey Miller. According to the Center for American Progress, he was sent to Abu Ghraib to ''Gitmoize'' the place. Under his command, the International Committee of the Red Cross found interrogation techniques at Guantanamo ''tantamount to torture.''

Fourth, White House Counsel Alberto Gonzales. When he served in that capacity, he advised President Bush that laws prohibiting torture do ''not apply to the President's detention and interrogation of enemy combatants'' and an interrogation tactic only constituted torture if it resulted in death, organ failure, or serious impairment of bodily functions.

And last, but surely not least, President George Bush. The President is not last on this list for no reason. Harry Truman proudly proclaimed ''The buck stops here.'' It would seem this Commander in Chief believes the buck stops far before the Pentagon, White House, or Oval Office.

Mr. Speaker, why is Congress receiving more information on these atrocities from the news media than the President or the Department of Defense? It is because they are a part of the culture of abuse that starts with loose slogans like ''Bring 'em on.'' It sends that signal down the chain of command. They were not only operating in an atmosphere created, fostered, and encouraged by top echelon officials at the White House. They were propelled by that very behavior.

Mr. Speaker, I include my remaining remarks in the RECORD.

This Congress ought to ask for the truth.

Mr. Speaker, I rise today to discuss a vital issue that has not received nearly as much attention as it should—the full accountability of those responsible for the prison abuse scandal at Abu Ghraib prison in Iraq and likely other abuses at other locations.

Last week, 1 year after the shocking pictures of prisoner abuse became public, a Military Judge declared a mistrial in the case against Private First Class Lynndie England.

England, one of just a few enlisted personnel charged in the case, attempted to plead guilty in order to receive a more lenient sentence, Judge James Pohl, a Colonel, however threw out her guilty plea and the court martial after determining that Pvt. England could not have realized her actions were wrong.

Maybe that is because exactly 1 year ago today Pvt. England told the media that she was ordered by her superiors to pose naked with Iraqi prisoners at Abu Ghraib prison.

This case raises more questions about Abu Ghraib than it answers, Mr. Speaker.

Who was really in charge at Abu Ghraib prison? Who ordered the torture abuse/humiliation of these prisoners? Why have only a few enlisted personnel and one Reservist officer been punished? What was the chain of command? Were contractors involved and did their involvement skirt the normal chain of command?

According to the Christian Science Monitor, ''for punishment, the military has issued either criminal or administrative charges against 125 soldiers and officers related to 350 cases in Iraq and Afghanistan. It's a different story with senior military officers, however. A study by the Army inspector general—not yet released but reported last week by the media—has exonerated all senior Army officers in Iraq and elsewhere except the brigadier general in charge of US prison facilities in Iraq.''

Why does the Pentagon refuse to look up the chain of command to thoroughly investigate and charge high-level military and administration officials, instead focusing efforts on low-ranking enlisted personnel?

Does anyone believe that these soldiers acted on their own? That they purposely perpetrated acts that the Pentagon's own report (prepared by General Antonio Taguba) defined as ''sadistic, blatant and wanton criminal abuse.''

The Philadelphia Inquirer correctly editorialized ''no one at the top—not military officers, certainly not Pentagon civilians—is blamed for wrongdoing. Never mind that a climate was fostered from the top down that tolerated, even encouraged, the abuse at Abu Ghraib.''

In February 2004, the International Red Cross released a report detailing dozens of serious human rights violations that occurred in Iraq between just March and November of 2003. The report maintains some of the abuse was ''tantamount to torture'' and that methods included threats of electrocution, forced nudity and other lewd sex acts, forcing detainees to wear hoods and more.

WHO SHOULD BE HELD ACCOUNTABLE?

First, Secretary Donald Rumsfeld is at the top of my list. Secretary Rumsfeld, according to numerous reports, personally authorized similar abusive interrogation techniques for prisoners held in Guantanamo Bay, Cuba, including the use of dogs for intimidation, the removal of clothing, the hooding of prisoners, and ''non-injurious physical contact.'' He also ordered several prisoners in Iraq, not at Abu Ghraib to be hidden from the International Red Cross so that the organization couldn't monitor their treatment. Now, however, we are supposed to believe that such actions at Abu Ghraib were a mere coincidence and not orchestrated by anyone?

Second, Lt. General Ricardo Sanchez: Despite two Army investigations, one of which stated he ''failed to ensure proper staff oversight'' of Abu Ghraib, he has yet to be officially sanctioned, punished or charged. Moreover, as the Washington Post reported this week, ''Army intelligence officials in Iraq developed and circulated ''wish lists'' of harsh interrogation techniques they hoped to use on detainees in August 2003, including tactics such as low-voltage electrocution, blows with phone books and using dogs and snakes—suggestions that some soldiers believed spawned abuse and illegal interrogations.'' General Sanchez is known to have approved these rules of interrogation.

Third, Major General Geoffrey Miller: According to the Center for American Progress: "a Guantanamo commander, Maj. Gen. Geoffrey Miller, was sent to Abu Ghraib to "Gitmoize" it. Under his command, the International Committee of the Red Cross found interrogation techniques at Guantanamo Bay are "tantamount to torture." "Harsh methods" used at the prison include forced enemas, sleep deprivation and chaining prisoners to chairs and leaving them "to soil themselves." Just weeks after he visited Iraq, the now-infamous abuse occurred at Abu Ghraib.

Fourth, White House Counsel Alberto Gonzalez: Gonzales was instrumental in shaping U.S. policy on the interrogation of prisoners. In the now infamous 1/25/02 memo to the president he wrote, "the war against terrorism is a new kind of war" and "this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions." Gonzalez also advised President Bush that laws prohibiting torture do "not apply to the President's detention and interrogation of enemy combatants" and an interrogation tactic only constituted torture if it resulted in "death, organ failure, or serious impairment of body functions."

Last but surely not least, President George W. Bush: The President is not last on this list for no reason, Mr. Speaker. Harry Truman proudly proclaimed "the Buck Stops Here." It would seem this Commander in Chief believes the buck stops far before that Pentagon, White House or Oval Office.

Mr. Speaker, why is Congress receiving more information on these atrocities from the news media than the President, his staff or the Department of Defense on? Moreover, why does he refuse to acknowledge that either he or his immediate advisers are primarily responsible for the culture of abuse "Bring em on" spawned by their reinvention of prisoner interrogation policies?

Privates and Corporals in the Army Guard and Reserves are not responsible for the atrocities at Abu Ghraib and elsewhere. They were only operating in an atmosphere created, fostered and encouraged by top echelon at the Pentagon and White House.

Why are we not pursuing those truly responsible for these crimes? Harry Truman would fully assume the role of Commander in Chief—not just troop deployment but troop deportment and frankly, the truth.

[From the Register-Guard, May 9, 2005]

GO HIGHER ON ABU GHRAIB: TOP OFFICIALS SHOULDN'T ESCAPE RESPONSIBILITY

Sooner or later, Pfc. Lynndie England will be convicted for her role in abusing and humiliating Iraqi prisoners at the infamous Abu Ghraib prison in Iraq.

Anyone tempted to shed tears over the prospect of the young Army reservist spending time behind bars need only remember the photographs that showed England leering as she pointed to the genitals of a male captive, and as she led a naked prisoner around by a leash.

These images shamed both U.S. critics and supporters of the U.S. invasion. They also had a devastating impact on American efforts to win support in Iraq and throughout the Middle East for the occupation and democratization of Iraq.

It was neither surprising nor upsetting then to learn Friday that the government plans to file new charges against England, whose guilty plea was tossed out and her court martial canceled earlier in the week. A military judge, Col. James Pohl, declared a mistrial after Pvt. Charles A. Graner Jr., a former guard at Abu Ghraib, testified that the photos were taken for training purposes. That testimony undermined England's admission that she knew her actions were wrong and her acceptance of responsibility.

But England and the the few other enlisted men and women who have faced courts martial in the scandal should not be the only ones to pay a price for what happened at Abu Ghraib. High-level military and administration officials must not be allowed to escape responsibility for a scandal that is far more of their making than of low-ranking soldiers. So far, Brig. Gen. Janis Karpinski, an Army reservist who formerly ran U.S. prisons in Iraq, is the only high-level officer to be disciplined, and she rightly regards herself as a scapegoat.

Congress, which abandoned its oversight role during the invasion and its bloody aftermath, should demand an investigation by a bipartisan independent commission similar to the Sept. 11 commission.

Instead of starting at the bottom, as the military's whitewashes have done, the panel should start at the top with Defense Secretary Donald Rumsfeld, who failed to plan for postwar Iraq and then failed to adjust his plans after the insurgency began. Rumsfeld is the reason why there were insufficient numbers of prison guards in Iraq and why they had inadequate training and murky guidelines. Rumsfeld also made the decision to authorize harsh interrogation techniques for detainees at Guantanamo Bay and then to apply those methods in Iraq.

Next on the list should be Attorney General Alberto Gonzales, who three years ago prepared a legal opinion stating that Geneva Conventions protections for detainees in Afghanistan were "obsolete." That opinion, along with his endorsement of the harsh interrogation methods, contributed to the abuses at Abu Ghraib. Also high on the list should be Lt. Gen. Ricardo Sanchez, the former commander of U.S. forces in Iraq, who cleared the use of interrogation techniques in Iraq that violated Geneva Conventions.

The judge in England's case dismissed charges against her because of testimony indicating others were to blame. England should face justice. But the civilian and military leaders who sent her to Iraq and who bear larger responsibility for the illegal and immoral abuses that occurred there should be held accountable as well.

[From the Daytona Beach News-Journal, May 10, 2005]

ABU GHRAIB WHITEWASH

On Nov. 4, 2003, Manadel al-Jamadi was found dead in the showers of Abu Ghraib prison outside Baghdad. Al-Jamadi was a detainee who, according to a Navy SEAL testifying in a military court a year later, had probably been beaten by interrogators the night before. Several soldiers posed for pictures besides the body, grinning and with their thumbs up. Five months later CBS broadcast those images and many more, including those of naked Iraqi prisoners forced into human pyramids by their captors, of prisoners leashed like animals or terrorized by dogs and to the seeming entertainment of their American captors.

Whether American soldiers abused detainees "for their own amusement," as Pfc. Lynndie England put it to a military court last week; whether they did it as part of a systematic policy of abuse designed to "soften" detainees for interrogation; or whether the whole thing was "an over-hyped story," as The Wall Street Journal called it two weeks ago, the scandal shattered what little credibility the American occupation of Iraq was clinging to when it happened. The hope, at the time, was that the United States would show the world that it was different, that it would be accountable.

"Watch America. Watch how we deal with this," then-Secretary of State Colin Powell said almost a year ago in a commencement speech at Wake Forest University. "Watch how a nation such as ours will not tolerate such actions. . . . The world will see that we are still a nation with a moral code that defines our national character."

There was reason to hope. But at the time, Powell and others believed that al-Jamadi's death was the only one on the military's prison watch in Iraq and Afghanistan and that abuse was limited to a few bad apples. It turned out that al-Jamadi's death was, indeed, the only one—at Abu Ghraib. In March, the Pentagon conceded that it was investigating 25 other inmate deaths it has classified as homicides in American custody in Iraq and Afghanistan since 2002. If that many inmates have been killed in prisons and detention centers under American supervision in the two countries, it is unlikely that the beatings, the abuses, the tortures that lead to such homicides would be limited to a few bad apples.

Yet that's the upshot of 11 investigations and reports of what went wrong. Some of the reports judged the Pentagon severely and called for corrective action and punishments. But it was up to the Army to act, because President Bush refused to give anyone else authority to do more than advise.

So the Army judged (and protected) its own. The Army has cleared four of the top five officers overseeing prisons in Iraq. It isn't clear whether it has investigated officers supervising prisons in Afghanistan (with at least two reported inmate deaths) or Guantanamo Bay. Of 353 cases of abuse the Army investigated (the number alone belies any suggestion of a limited problem), 225 are closed. Of 124 soldiers who faced disciplinary action, virtually all were the small fry of enlisted personnel. While 17 have been thrown out of the Army, seven low-ranked soldiers have faced punishment that range anywhere from forfeiting half a month's pay to—in one case—10 years in prison. One general, Janis Karpinski, was demoted and given a written reprimand. She was in charge of Abu Ghraib prison.

That's it. That's where U.S. accountability ends. Condoleezza Rice, Powell's successor at the State Department, told Europeans during her visit a few weeks ago that "bad things happened at Abu Ghraib that, as the president said, make us sick to our stomach. But the real test of a democratic country is how one deals with those." The sickening test result is the scandal has been lumped on the back of just a few lowly soldiers.

CAFTA

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

Mr. BROWN of Ohio. Mr. Speaker, today more than 400 union workers and Members of Congress gathered in front of the United States Capitol delivering a united message: vote "no" on the Central American Free Trade Agreement.

This week, the presidents of Central America and the Dominican Republic are touring the Nation on a United States Chamber of Commerce-funded junket, pushing the Central American

Free Trade Agreement. They are traveling to Miami and Los Angeles. They are going to Albuquerque and to my State, Cincinnati, Ohio, attempting to convince the American people and the American press that CAFTA is good for their countries and for their people.

Unfortunately, these leaders are not telling the whole story. Like our own President, they try to convince us that CAFTA will lift up low-income workers in Central America and that CAFTA will create jobs here in the United States. What they have not said is that CAFTA does nothing to ensure enforcement of labor provisions in their own countries. What they have not said is that the combined purchasing power of the CAFTA nations, the combined purchasing power of the CAFTA nations, is equal to that of Columbus, Ohio; or Memphis, Tennessee; or Orlando, Florida. In other words, people in Guatemala and Honduras and Nicaragua and El Salvador and Costa Rica cannot afford to buy the steel produced in Pennsylvania. They cannot afford to buy cars made in Ohio. They cannot afford to buy textiles and apparel from North Carolina and South Carolina and Georgia. They cannot afford to buy software from Northern California or Oregon or the State of Washington.

With all due respect, Mr. Speaker, to the Central American leaders, what they are not saying and what millions of us know already is that millions of their workers in Central America, like tens of millions of American workers, do not support the Central American Free Trade Agreement. What their leaders will not tell the American people, what their leaders will not share with reporters covering their junket, is that 8,000 Guatemalan workers protested against CAFTA in March. Two of them lost their lives when government forces attacked the crowds.

We have not heard Central American leaders mention the literally tens of thousands of El Salvadorans who protested CAFTA in 2002. They do not mention the 18,000 letters sent last year by Honduran workers to their Honduran Congress decrying this dysfunctional cousin of the North American Free Trade Agreement. The Central American leaders do not mention the 10,000 people who protested CAFTA 1½ years ago in Nicaragua. They do not tell us about the 30,000 CAFTA protestors in Costa Rica just last fall. Hundreds of thousands of workers have protested CAFTA in more than 45 demonstrations in these six Central American countries.

Opposition to CAFTA here in the United States has been equally stalwart. More than a year has passed since President Bush signed CAFTA. Every other trade agreement the President has brought to Congress has been voted on within 6 or 7 weeks. This has been 11½ months since the President signed it because there is so much opposition from American workers, from American educators, from American social service organizations, from Americans of both parties. Instead of supporting the President on CAFTA, overwhelming numbers of Republicans and Democrats in this body and across the country have come out against the agreement.

Last month, two dozen Democrats and Republicans in Congress joined more than 150 business groups and labor organizations echoing a united message: vote ''no'' on the Central American Free Trade Agreement.

Under NAFTA, the North American Free Trade Agreement, the U.S. has lost more than 1 million jobs. Under NAFTA the promise of a thriving middle class in Mexico was never realized. Under NAFTA, just like every other trade agreement, the administration, the corporate leaders make the same promises. They promise more manufacturing jobs in the United States. They promise growth in industry in the United States. They promise more exports from the United States. But it never happens that way.

The definition of insanity is repeating the same action over and over and over again and expecting a different result. We have heard these same promises about CAFTA, about NAFTA, about trade with China, about the World Trade Organization. We have heard these same promises over and over and over again, and the American people understand the promises simply do not work.

Now the President and his big business allies are hoping that bringing these Central American leaders on their Chamber of Commerce junket can help deliver support for an agreement that, frankly, as we look across this Chamber, is dead on arrival. Right now the U.S. Chamber of Commerce is hosting a reception for the visiting dignitaries, these six presidents, rewarding them for their lobbying efforts this week. Right now the leaders of these countries are raising their toasts to their corporate sponsors.

Mr. Speaker, there can be no more delay. We must throw out this failed agreement and renegotiate the Central American Free Trade Agreement.

□ 1945

SMART AND VETERANS MENTAL HEALTH

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we recently passed the conference report on yet another supplemental appropriations bill for the war in Iraq, bringing the total amount of taxpayer money being spent on this ill-conceived, built-on-lies war to over $300 billion. The longer we keep funding this irresponsible effort, the more harm we are doing, not just to the people of Iraq but also to our very own troops.

The New England Journal of Medicine recently reported that as many as one out of four veterans of the wars in Afghanistan and Iraq treated at VA hospitals in the past 16 months were diagnosed with mental disorders. Alarmingly, this number has been steadily rising, and we can only guess how many soldiers do not come forward to get help because of the stigma that is associated with mental illnesses.

Post-traumatic stress disorder, also known as PTSD, is the most common disorder seen in returning soldiers and has been diagnosed in 10 percent of returning soldiers at VA hospitals. Other mental disorders that are being seen are drug or alcohol abuse, depression and anxiety disorders. Also phobias and panic are part of the whole diagnosis.

These are the hidden scars that young men and women who serve in combat are left with when they return home. While mental and emotional problems cannot be seen as easily as a physical wound, they are just as debilitating.

Large numbers of veterans from Iraq and Afghanistan are coming home, and they are showing up in our homeless population in numbers that have not been seen since the end of the Vietnam War. This is a shameful epidemic, and we must work to confront it before it is too late.

Serving in a combat zone not only affects soldiers but also their families. When service members come home, they face a real challenge in learning how to readjust to civilian life, often taking a toll on relationships with family members and sometimes leading to even more mental and emotional problems.

Every time we send our young men and women into combat, we are asking them to make a huge sacrifice for the rest of us. Their lives and their health are the real follow-up costs to any war. That is why I have introduced H. Con. Res. 35, asking for the immediate withdrawal of troops from Iraq. Thirty-three other Members of Congress have signed my resolution with me, because we know that the longer we keep our troops in harm's way, fighting a war of occupation, the higher the costs in human lives. Coupled with that bill, I am also reintroducing legislation to support a SMART security platform for the 21st century.

SMART stands for Sensible, Multilateral American Response to Terrorism. SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation, and it aggressively invests in the development of impoverished nations, with an emphasis on women's health and women's education.

We must take a smarter approach to our foreign policy and homeland security measures. The sacrifices made by our soldiers are so great. We should be asking them to make sacrifices only after careful and thoughtful deliberation, not rushing to war on unreliable

intelligence and on personal grudges. We must take careful and measured steps when putting lives on the line, something that the Bush administration has not done.

As we work to protect those who protect us, instead of throwing our money into an ill-advised war, we must commit first to keeping our troops well equipped with safety gear and modern equipment, and we must provide them with real and comprehensive health care, including mental health support services, when they come home.

Mr. Speaker, war has long-lasting effects on those who serve. Let us work to ensure that we limit those effects by using our troops only when we must and treating them with the dignity they deserve when they return.

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

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

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

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

CORRECTING AMERICAN FISCAL PROBLEMS AND PRESERVING SOCIAL SECURITY

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

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to come before this House of Representatives. I can tell you that this 30-Something Working Group, Mr. Speaker, that our Democratic leader, the gentlewoman from California (Ms. PELOSI), has designated this time every week for the 30-Something Working Group to come to the floor to not only speak to the Members but also have an opportunity to share good information in general with the American people, and that is why we are here, to represent them, Mr. Speaker.

I want to say, in the last several weeks, we have been talking about the issue of Social Security. I can tell you that Social Security is not only at the forefront of the agenda in this Congress but also has been promoted throughout this Nation as being in a state of crisis, which it is not.

So, tonight, the 30-Something Working Group, we have asked a member of our caucus to come, the ranking member of the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT), to come to talk to us a little bit about this double whammy that the American people will be going through because of the push of privatization of Social Security and the irresponsible spending by the majority side and also by the present administration.

This whole debate is about helping future generations. This whole debate is about making sure that we keep our end of the deal to the American people. I can tell you, keeping our end of the deal to the American people is saying we are going to do what we said we are going to do from the beginning, Mr. Speaker, and it is important. But I believe when misinformation or inaccurate information is given to the American people and to some Members of this House, it jeopardizes our commitment to keeping our end of the deal.

What I mean by ''our end of the deal,'' for those individuals that have paid into Social Security over the years, and they are looking forward to the security of Social Security being there for them at the benefit level to where it is now, I think it is very, very important that we do not let those Americans down.

I want to make sure that not only the Members of this House but everyone understands that Social Security will be solvent for the next 47 to 50 years at the present benefit level of where it is right now. Forty-eight million Americans who need the survivor benefits, retirees or individuals eligible for Social Security at this point will receive 100 percent of the benefits they are receiving now. On average, they receive $955 of monthly benefits from Social Security. Thirty-three million Americans are retired that are in that 48 million, and a large number of those Americans would be living under the poverty line if it was not for Social Security. So when we start talking about privatization of Social Security, it is a very dangerous thing and something that we should not play around with at all.

I am proud that Democrats on this side of the aisle, and I would even say some of my Republican friends, believe in strengthening Social Security without slashing benefits that Americans have earned and making sure that private accounts are not a part of the Social Security debate or reality, because there is strong evidence, not hearsay, strong evidence of major benefit cuts to Americans that are counting on Social Security.

I think it is also important, Mr. Speaker, that the Members understand that, once we can get to the point that we stop insisting on private accounts, when it really does not add up for the individual that is receiving Social Security or that will receive Social Security, I think we can get on to not only a serious discussion but action in dealing with the question of Social Security.

We should not increase the debt by some $5 trillion and gamble on the future of Social Security. I think the American people deserve better. I think the American people demand better, and I think the American people will continue to pay very close attention to what is being said and what is not being said in this discussion about Social Security.

I do not believe that Members of this House or the other body will take a vote where they are going to make a career decision on a gamble on Social Security privatization. It is not at that point to where one has to gamble with the retirement of so many Americans. Social Security is there to make sure that it is a guarantee for men and women that have worked in this country.

So, tonight, we are going to talk about the budget, the $26,000-plus that every American owes to the Federal debt, and tonight, we are going to, if I could use the word, cross-pollinate, Mr. Speaker, Social Security privatization philosophy and the reality of the ever-growing deficit, that it seems that this Congress is out of control of continuing to add on to the debt without any plan whatsoever, no real realistic plan, in making sure that we take down the debt for future generations. So I think that is very, very important.

Now, some individuals will say, Well, what is the Democratic plan? Well, I would like to know what is the Republican plan? Some of my good friends in this Chamber are Republicans and want to know the Republican plan.

I would say, the Republican leadership plan, because I do not want to generalize, because I feel there are Members in this Chamber that have a genuine argument and concern when they see statistics that are given by notable organizations and even by some of our Federal Government organizations that are saying that there going to be major benefit cuts if we go to privatization, to the point that where even individuals who do not enroll in private accounts are going to receive cuts. That is not fair.

So that is the reason why we come to this floor, week after week, the 30-Something Working Group, along with others, to be able to talk about this issue.

Now, tonight only are we going to have the gentleman from Ohio (Mr. RYAN), who is always here, Mr. Speaker, and Ms. WASSERMAN SCHULTZ, and we have one of our 30-Something Working Group members, the gentleman from the Great State of Alabama (Mr. DAVIS), who will come before this great House to be a part of this discussion, along with our ranking member on the Committee on the Budget, the Democratic ranking member of the Committee on the Budget and a part of the Democratic leadership team in dealing with the issue of the deficit and the budget and responsible spending and also making sure that we do the right thing.

I would like to yield some time to the gentleman from South Carolina (Mr. SPRATT). As you go to the well there, I want to just let you know how

much I appreciate not only the hard work that you have been doing but the fact that you have joined us here, the 30-Something Working Group. I know you have been really given to not only the Democratic Caucus but informing the Congress on what we are doing and what we are not doing.

I would like to say to the distinguished gentleman from Alabama (Mr. DAVIS), feel free to be part of this, also a member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding. Let me say, I enjoyed serving here with your mother, and she has every right to be proud of the service her son is rendering here. He was well raised.

The young in this country, and you fellows are young by my reckoning, have a right to be concerned about the course that our government, the Federal Government, is taking under President Bush. Obviously, we have a huge problem with our own budget, our budget deficit.

President Bush enjoyed an advantage that practically no President in modern times has enjoyed. He came to office with a surplus that his economists projected to be $5.6 trillion between 2000 and 2011, over a 10-year period of time, an unprecedented surplus.

It was not just a projected surplus. The year before the year 2000, the last fiscal year of the Clinton administration, the United States Government ran a surplus of $236 billion.

□ 2000

That was the context, the fiscal context in which President Bush came to office.

Today, when we closed the books on September 30, 2004, that fiscal year, we had a deficit of $412 billion. OMB is still predicting a deficit this year, even bigger. But CBO has some good news. They tell us that revenues are coming in at a faster clip; and they are hopeful that deficit will be coming down to $350 billion. But $350 billion is only something to cheer in the context of deficits that have been running at a level of $412 billion, the highest level deficits in our history, and we went there in just 5 short years.

What we are effectively doing, I say this to the young people of America whom my colleagues represent, is leaving our children and grandchildren the tab for fighting a war, letting them pay for the lion's share of it by simply adding it to the national debt. We are adding to national entitlements. We are cutting taxes, above all, and then borrowing to pay for the revenues we give up by the tax cuts and letting our children pick up the tab, pay the bill.

I often go to civic clubs; and I tell them, there is clearly a fiscal problem for the United States Government's budget, because the more we borrow, the more interest we have to pay and, pretty soon, debt service begins to eclipse accounts in the budget, like education, that are critically important. But in addition to that, this is a moral problem. It is a moral problem when we shove these mountains of debt off on to our children and grandchildren. That surely is what we are doing.

Quickly, let me just show my colleagues what we have here. This chart, which has its own mountains, shows us where President Clinton started in 1993, at a deficit of $290 billion. On the floor of this House, by one vote, we passed the Clinton budget in 1993, one vote; and every year thereafter the bottom line of the budget got better, better and better, to the point where we had, as I mentioned a minute ago, a surplus of $236 billion in the year 2000. Since the election of Mr. Bush in 2001, the budget has gone down and down and down every year; the bottom line of the budget has gotten worse to the point where we had a record deficit of $412 billion last year.

Now, the Committee on the Budget and President Bush both tell us we have a plan. We have a plan that will cut that budget deficit in half over the next 5 years. Well, we can cut a budget deficit in half when we leave out some of the biggest items that we are likely to face over the next 5 years.

One of those is the cost of eventually dealing with the alternative minimum tax. More and more taxpayers are having to pay the AMT instead of the regular tax; and when that problem is finally fixed, it will have to be politically an inevitability, because it will, by 2010, affect 30 million tax filers. We will have to fix it. CBO says the 10-year cost in revenues lost to fix the AMT so that it only applies to the upper bracket taxpayers for whom it was intended is $642 billion in lost revenues.

Then there is the cost of our troops in Afghanistan and Iraq. We just passed an $82 billion supplemental. There is not a dime in the President's budget after 2005 for the cost of those troops; and CBO, the Congressional Budget Office, has said we need to have some kind of national estimation of what it is likely to cost to keep those troops there, assuming that they will be gradually redeploying. So they said, let us assume that there will be 40,000 troops, 20,000 in Afghanistan, 20,000 in the theater around Iraq for the next 6, 7, 8 years. Their calculation is $384 billion. That cost is left out of the President's budget.

So major items have been left out. We have gone back and put in items that are not contentious, not controversial, but politically realistic; and we can see from this chart that the deficit does get a bit better, because the economy gets better; but 10 years from now, we have a deficit of $621 billion; $621 billion.

Mr. MEEK of Florida. Mr. Speaker, I think it is important not only that the Members understand, but the American people also understand. I mean, the gentleman is the second most senior member on the Committee on Armed Services; and I think that the gentleman is in the right position on the Committee on the Budget, that this is Iraq, the early years. I mean, this is going to be a long-term commitment of the United States. We are there; we are going to be there for some time. The coalition is getting smaller. We need to make sure that we provide for these men and women and their families back here.

So I just wanted to say that so that the Members understand that we have an overall responsibility, but some of the things that the gentleman is showing us here on this chart of the realities that are obviously coming in the future and, on top of that, the Social Security issue, is going to be a train wreck in the making, if not already there.

Mr. SPRATT. Mr. Speaker, we can see it coming down the track. This chart depicts it as graphically as we can make it. The deficit never rises below, never falls below $350 billion, and rises to $621 billion. Tally that up and we will see a mountain of debt added over the next 10 years, and then we have to pay debt service, we have to pay the interest on that debt; and that debt service begins to encroach upon other necessities, other critical priorities of the government like education, like health care.

So this is why we are concerned, the gentleman and I, and we, we are leaving to the next generation this legacy of debt. Surely, surely this generation of Americans, like every generation, which has strived to leave their children a better life, a better world, a better economy, does not want to be remembered for leaving our children and grandchildren a mountainous legacy of debt; but that is the course we are on right now.

Let me stop there so that we can yield to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I thank my colleagues for yielding to me. Let me begin by thanking my colleagues and my friend, the gentleman from South Carolina (Mr. SPRATT), the ranking Democrat on the Committee on the Budget. The gentleman from Florida (Mr. MEEK) and I have only served with the gentleman from South Carolina (Mr. SPRATT) in the Congress for a very short period of time, but the gentleman has been such a stalwart on this issue during the time that we have been in Congress.

This is not a subject that necessarily just jumps out at people as an exciting or sexy subject, but it is so important to our country to talk about the problem and the consequences from our debt and our deficit. There is no one who has been more of a stalwart in this institution than the gentleman from South Carolina, and I certainly thank him. As well, I welcome the person who will follow me tonight, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) who has, in a very short period of time, just since January, already distinguished herself as one of

the ablest and most intelligent Members of this institution; and we are thankful to have her here this evening.

I know that the gentleman from Florida (Mr. MEEK) was in my district very recently, in Selma, Alabama, with me during March of this year when we commemorated the march across the Edmund Pettis Bridge; and the day after that march, I had a town hall meeting in that same city, Selma, and the purpose of the town hall meeting was to talk about Social Security and our country's future. There was a moment at the end of the town hall meeting that I want to share with the Chamber of that night, because I think it is so illustrative of the challenge that we are facing.

There was a young woman who was about 19. She said she was a college freshman, and she stood up and she asked me and the panelists a question, and her question was something like this: she said, young people today, and younger workers today are paying into a Social Security system that may not be around or may not be around in its current, robust form for us young people. So she asked the question, why do we have to pay at all? Why do we as young people, she said, have to even pay into a system that may not be there for us?

When I heard that young lady make those comments, two things occurred to me. The first one is that we have fallen a ways in this country if our young people today are full of cynicism and not idealism; if our young people today are wondering why we have to meet our burdens instead of wondering why we cannot meet greater burdens, something has happened to us that is wrong.

There was another thing that occurred to me.

Sometimes I think in this Chamber we have the illusion that we are arguing about money. We have the illusion that we are arguing about line items in a budget, that we are arguing simply about techniques of accounting. That young lady's comment made me realize we are arguing about something far more fundamental in this Chamber every day, and I would define it this way: exactly what do we owe each other? Are we obligated to each other, or are we cut off from each other's common destinies? That is what this political debate is about, and I hope that is what the American people understand this debate to be about.

As we saddle future generations with debt, as we saddle future generations with the consequences of tax cuts that we could not afford, as we saddle future generations with our mistaken fiscal choices, it is a retreat from the politics of obligation; it is a retreat from the idea that we are connected to each other and each other's fate and each other's destiny.

Increasingly what I fear is that we are entering a world where the only morality that we recognize in our public space is the morality of the marketplace. The gentleman from South Carolina touched on that. He talked about morality, and that word should not be in any way omitted from this conversation, because the morality of the marketplace is a very narrow morality. It says that to whom much is given, much will continue to be given. It says that the strong shall have the opportunity to get stronger, and it says that other than a little bit of sympathy and a little bit of charity for which we get a tax write-off, we do not owe a whole lot to the other people in our society.

I think that if we are to be true to the legacy of this institution and true to the people in this country, that we need a broader public morality than this narrow morality of the marketplace. We need a public morality, a way of talking in the public square about what we owe each other, what we owe our veterans, what we owe our young people, what we owe our working families, what we owe our college students, what we owe our disabled workers, what we owe all of the people who may not sit in the circle of prosperity today, but who desperately want to do so and want to have a chance to sit there tomorrow.

The budget resolution that we voted on 2 weeks ago and, essentially, we voted on it 2 months before that, because it did not change a lot from the House version to the final resolution passed by both Houses, it is a document that I think does not meet our best moral impulses; it does not meet our best impulses about what we owe each other as a community.

The gentleman from South Carolina and others have detailed on this floor and elsewhere the cuts to veterans, the cuts to our young people, the cuts to all kinds of commitments and obligations that we have to our environment, to our workforce development system in this country; but once again, the stakes are broader. Because what this budget does is to slowly but surely begin to walk away from the idea of national commitment and national obligation. It slowly but surely begins to walk away from the idea of community.

I make these final two sets of points before I yield to the gentlewoman from Florida tonight. I happen to think that we do have an obligation to get our fiscal house in order; there is no question about that. We cannot sustain these deficits; we cannot sustain this debt. It is unconscionable the President wants to add to it with his Social Security plan. It is unconscionable that the President does not have a long-range plan to pull us back from deficit.

But this is what is the real moral rub, I think, for a lot of us. So often in the last 4 years, the Bush administration and our friends and colleagues on the other side of the aisle, the Republican side, have asked sacrifice, but they only do it of some of the people. John F. Kennedy, whom I admired greatly, and whom I know the mother of the gentleman from Florida (Mr. MEEK) admired and whom I know you admired a great deal, when he was inaugurated, he spoke on the idea of sacrifice and the idea of common burden and obligation. He did not speak of a sacrifice that falls only on working families who need Medicaid in Tennessee and Mississippi and Alabama. He did not speak of the sacrifice that falls only on veterans whose premiums do not need to go up. He did not speak of a sacrifice that falls only on families who are needing section 8 housing and do not want the program gutted. He did not simply speak of burdens and obligations that fall on the weakest of us.

I listened to the discussion that happened in the hour before us tonight, and the eloquence of the gentleman from Illinois (Mr. EMANUEL) on who has power in this Chamber, who has power in this institution. It is increasingly the most well-off among us, the most narrow-minded among us who are committed to a very narrow pursuit of the private interest. That is a full-scale retreat, with guns blazing, from the idea of what we owe each other as a people and as a community.

So if our country is going to move forward, I say to the gentleman from Florida, and if we are going to move forward and become what I think that we can be, we have to return to this idea that we do owe each other something more than sympathy, that we do owe each other a commitment to building a financial future that will work for our children. We owe each other a commitment toward a true and enduring retirement security for our seniors. We owe our young people a commitment and an investment in their skills; and, finally, we owe our country a way of talking about politics and a way of talking about our expenses and our expenditures, a conversation and a dialogue that somehow draws us together.

The final point that I will make tonight is, and so often I see this when I go back to town hall meetings in my district, last night I was in Choctaw County, Alabama in Butler, and so many people are frustrated when they see us arguing about things that do not matter to them.

□ 2015

We have been here for 4 months, and we have had a pretty busy schedule. We have voted on all of probably one really truly important piece of legislation this year, and that was the budget. We have had a lot of distractions, and we will keep having distractions on the floor.

But the people are so frustrated that we are angry at each other over things that do not matter in their lives, and they want us to repair to a higher standard. So I thank the gentleman from Florida (Mr. MEEK) for being here tonight. Again, I thank the gentleman from South Carolina (Mr. SPRATT) for his leadership and his wisdom. And I would be happy if the gentleman from Florida (Mr. MEEK) will yield to my good friend, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, first, let me say what a pleasure it is to have the gentleman from South Carolina (Mr. SPRATT) join us for our 30-something working group. I have to tell you, as the freshman in the group, and the person who has been here for the shortest tenure, one of the most incredible experiences I have had is to have the opportunity to learn from the gentleman from South Carolina (Mr. SPRATT) and especially the inner workings of the budget and to be able to absorb the expertise, at least attempt to absorb the expertise that the gentleman has been able to provide this country with your leadership. So I cannot thank the gentleman enough for that.

And I really want to pick up on what the gentleman from Alabama was saying because this really is, the budget is a statement of our values. It is our values versus the Republican leadership values. And it really is probably the most comprehensive expression of the direction that we believe the country should go in and the priorities that we have in our caucus versus the priorities that they have.

And, you know, it is interesting, look at the group of us assembled here tonight. I do not think that you could have a more eclectic group of Members than the Members assembled here. I represent a district, Miami Beach, Ft. Lauderdale and Hollywood. The gentleman represents Alabama. The gentleman from Florida (Mr. MEEK) and I share communities. And the gentleman from South Carolina (Mr. SPRATT) represents, you know, a district in South Carolina. The gentleman from Ohio (Mr. RYAN) is here with us tonight. We could not have more diversity in our caucus and more diversity represented here tonight.

And if you look at the homogeneity on their side of the aisle, even when they do not have homogeneity in their caucus, they walk in lock step. They fall in line. They do what they are told. And that is regardless of the fact that they have crafted a budget that clearly says to the American people: We do not care. We do not care about you. We do not care about making sure that your children have a quality education. We do not care about making sure that if your child is sick that you can afford to take them to the doctor. They have engaged, at least since I have been here and that I have been able to note, in slash-and-burn politics.

I mean, the thing that I think is the most interesting is that, over the time that I have been involved in public service, you know, we are constantly trying to figure out, and the American public, people, I think, are trying to figure out, how do you define a Republican, and how do you define a Democrat?

And I think that the budget document that they have put forward is probably the best expression of how you define what it means to be a Republican. And clearly, what it means to be a Republican is to balloon the deficit, cause the Nation to go further and further into debt, mortgage our children's future, cut health care, cut education, both in the lower grades as well as student loans.

And if you look at our budget document that the gentleman from South Carolina (Mr. SPRATT) put together, it also is an expression of our values and the direction that we would take the country. Our budget document, as crafted by the gentleman from South Carolina and the other Budget Committee Members would bring the budget into balance by 2012. It would make sure that we do not cut the programs that are the most important to the American people.

What are our priorities? Education, health care, making sure that we can improve the quality of people's lives and making the world a better place as opposed to improving the bottom line of the pocketbooks of the wealthiest Americans. I mean, that is essentially what the ultimate goal was, clearly, of the Republican budget document. And I think it is important that we help lay that distinction out in front of the American people so that, over the course of the next 18 to 22 months, they can make a decision as to whether we want to continue to move in the radical direction that they are taking this country or if we want to get things back on track.

Mr. MEEK of Florida. I thank the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). I thought the gentlewoman and the gentleman from Alabama (Mr. DAVIS) shared some really good comments.

I see that the gentleman from South Carolina (Mr. SPRATT) has a board there that he wants to share with us, and I know the gentleman has some comments based on our comments.

Mr. SPRATT. We have a number of different deficits. One is the Social Security deficit. The actuaries at the Social Security Administration tell us that the shortfall in Social Security funding over the next 70 years is $3.7 trillion.

What Mr. Bush is now proposing as a purported solution to that is to allow workers to divert 4 percentage points off their payroll tax, one-third of their payroll taxes into private or personal accounts and away from the Social Security trust fund. This will have enormous consequences.

First of all, everyone can see that it is counterintuitive. If you have got a trust fund which is $3.7 trillion, do you resolve that problem by diverting a third of the revenues away from that fund, so that you virtually double, and then some, the shortfall in the account?

That does not square with anybody's understanding of how to resolve this problem. But it is of particular concern for younger Americans, because they will be paying substantial sums into Social Security, and they may get, unless the reform being discussed is done differently from what the President proposes, the worst they will get out of Social Security. Thus far, Social Security, every generation would say, has been a success story. It has made the fabric of America a better country, a better society.

A lot of young people walk up to me, I would say to the gentleman from Florida (Mr. MEEK), and they say: I do not ever think I will see my Social Security or at least nothing like what is promised to me. I am paying in big bucks, 12.4 percentage points of my gross income, after accounting for what my employer also pays. And I do not ever think I will see what I am contributing come back to me.

And I tell them all, Social Security is not just a retirement plan. Social Security is also a plan particularly for younger families. As a matter of fact, 37 percent of those on Social Security today drawing benefits are younger Americans who are disabled or have had a family member, a breadwinner, die, or they are the dependents of these particular beneficiaries of Social Security.

Social Security provides the equivalent for, let us say, a young couple, age 27, two children, it provides the equivalent of $403,000 in term life insurance. And for those who become disabled, nobody thinks he will, but many do; for those who become disabled, it provides $353,000 in disability insurance, which would be hard to buy in the individual market. And that is not to mention Medicare, which comes with the Social Security disability. Yes, sir.

Mr. MEEK of Florida. If I may, I just want to ask a question, because I think this pie chart really paints the picture, literally. People think that this Social Security debate, some people do, feel that it is just about people that are already retired, and they are concerned about their retirement. Yes, valid point. They should be concerned because we do know, and you were a Member of the 108th Congress and many congresses before that. The President stood in the well there and shared with us, if you are over 55 you do not have anything to worry about.

But I remember vividly in the 108th Congress, when we talked about the prescription drug benefit plan, they said it would be $350 billion only, and now we know it is $724 billion and probably climbing as it relates to costs.

But disabled workers, that can happen any time in your lifetime.

Mr. SPRATT. And it does. One in seven workers ends up on disability before retirement

Mr. MEEK of Florida. And that is Social Security. And what we do know, and I hope that you would get an opportunity to talk about, the President's plan cuts benefits twice on one of the charts that I know you have there, to let the American people know that and also Members know that when you go to privatization that you lose benefits. I mean, that is what the record is reflecting right now. And I

think it is important that everyone understands what is happening.

Mr. SPRATT. This chart shows it as graphically as we can express it. There are two claws impinging on Social Security under the President's proposal. First of all, most Americans do not understand this, but when you go to retire, if you have elected to put money into a private account, the first thing you will have to do before Social Security computes your benefits is pay Social Security back. That private account, that ownership account, is really a loan from the Social Security Administration. You have to pay back, upon retirement, every dollar you have diverted into a private account plus interest at 3 percent over the rate of inflation. That means that there will be a significant privatization tax which gets bigger and bigger over time, depending on how many years you are in the work force.

In addition to that, there is another factor buried in all the detail which is critically important because it changes the nature of Social Security. And that is that basic benefit computation will be free formulated. Let me express that differently.

Today, when you go to retire, the clerk at Social Security takes all your earnings from age 14 onward, takes the highest 35 years, averages those, brings them up to a present value, and then, each year, the amount of income that you can get is dependent upon a formula that is used to derive what is called the PIA, the primary insurance amount. You get 92 percent of the first $627. You get 30 percent of the next $3,779, and you get 15 percent of everything else. That is complicated.

But the net result of that is that lower-income workers tend to get more, a better deal out of Social Security than the higher-income workers do. It has this effect to it that makes it a social insurance plan and not just a retirement plan.

If you change the way that benefit is indexed every year, which the President proposes to do. Today that basic benefit will be indexed and changed according to the rate of inflation and wages in our economy.

The President wants to change it to price inflation. That is economic talk. But it is critically important in a practical sense because, over a 70-year period of time, it will slash in half the basic benefit to which you are entitled from Social Security. And this chart shows it right here.

Someone who is retiring in 2075, born in 2010, a couple of years from now, 42 percent of his accumulated benefit in his private investment account will have to be paid back to Social Security; 56 percent of the remaining amount will be diminished by the recalculation, the reformulation which President Bush is proposing. So we have what is left that this chart shows. You start out with the big blue bar, all along here. That is scheduled benefits under Social Security.

The green amount beneath that shows the traditional Social Security benefit to which you are entitled; in 2015, it makes up most of your benefit. But by 2045, about half of your benefit is traditional Social Security, and half is in your private account.

When you get to the 70th year, almost all of your benefit is coming out of the private account, and only a small part, this little green tip down here, is coming from traditional Social Security. So we are going to ask you, the young people of today, the families that are 30-something with kids, raising them, to continue paying that 12.4 percent in the traditional Social Security, only to get this in the way of traditional benefits out of it. It is going to change the nature of the program in ways that cannot even be fully anticipated.

Mr. DAVIS of Alabama. Mr. Speaker, let me follow up on the comment that the gentleman from South Carolina (Mr. SPRATT) just made, because a lot of very reasonable people, as you know, believe that this scenario you described is not accidental. It is not just a byproduct of the President's strategy, but it is, indeed, the President's strategy, to turn Social Security, which is a universal benefit that the American people collectively pay into, to transform it from that world into a world, frankly, where it looks like a conventional welfare program, a program where very poor people receive a benefit from it and the rest of the population receives very little.

Now, what happens to those kinds of programs? Number one, the Republicans cut them every year. They do not fare very well in this budget process. If you look at the programs that we have in this country that we fund out of our sense of charity, Section 8, walking away from it, housing, dealing with the disabled and mentally ill, all the programs that we fund out of our altruism, unfortunately, those are the programs that are getting cut. I do not believe that this is an accident, that the Republican party and President of the United States are taking this plan that has worked enormously well and refashioning it into a program where, frankly, people will have less of a stake in paying into it.

The second observation, I would say to the gentleman from Florida (Mr. MEEK), is that it is indisputable that Social Security is the most successful government program in the last hundred years in terms of its ability to move people from the margins of life to a state of security. When Social Security was passed in 1938, 52 percent of the seniors in this country lived in poverty.

□ 2030

Today that number is down to 9 percent.

If every other government program had been as effective in reducing poverty, there probably would not be more than 20 or 25 Republicans here because we would have won the whole political debate. This has been an extraordinarily successful program and part of the reason it has been successful is the stake that we all have in its benefit.

I make one other point tonight. A lot of our colleagues on the other side of the aisle say, well, you Democrats have been criticizing our proposals. Why do you not come forward with a better and stronger plan for saving Social Security, and never mind that the President has no plan to make it solvent, why do you all not come to the table with one?

There is a part of this debate that we should not miss tonight. Part of the reason that we are expecting a gap in Social Security financing, a shortfall in Social Security financing, is because of this administration's estimates of slow growth in the next 30 to 40 years. And a Republican Party that used to pride itself on economic optimism even in the face of no evidence has now become the party of slow growth. They tell us that our productivity will inch around at a rate of around 1.9 percent for the next 30 years, or our growth rate will be around 2.1 percent.

What is the reason that they project slow productivity and slow growth? The major reason is because right now in our country the gap between skilled and unskilled workers is more pronounced today in the middle of the first decade of the 21st century than it was in the early 1970s and the late 1960s.

In other words, the gap between the people who know how to do the work in this country and who are trained to do and those who are not so lucky or so fortunate is greater than ever.

That is creating an albatross on our whole economy. And if we are serious about tackling the Social Security problem, we have got to come up with a growth strategy. We have got to come up with a strategy to close that gap between skilled and unskilled workers. And the extraordinary thing about this budget is that it cuts money for workforce development. It cuts out programs like Upwards Bound and TRIO that take at-risk kids and give them a leg up. It cuts economic development programs. It cuts all of the things that would narrow and close down the gaps that exist in American life.

In other words, at a time when we ought to be investing more in our future, we are investing less. Once again it takes us back to the point that the gentlewoman made about the fundamental definitional divide between these parties.

President Clinton who grew 22 million jobs in his Presidency understood that when you spend money on education, when you spend money on worker training, when you spend money on developing skills you are making investments. And those investments reap an enormous return for this generation and the next one.

So I say in conclusion before I take my leave tonight that if we are to deal

with this problem of Social Security having a shortfall over the next 30-some years, if we are to deal with these gaps that exist in our skilled and unskilled workers that lead to the slow growth the administration promises us, we need a different set of priorities. We need to remember the value of expenditures that are investments.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, what I wanted to do is take off from what the gentleman from Alabama (Mr. DAVIS) was saying because the President started out this debate 4 months ago following the election saying that Social Security is in crisis, that Katie bar the door, we have to do something, we have to do something now; and if we do not, then the world will essentially come to an end.

Now, he has gradually backed off that and you do not hear the word ''crisis'' out of the President anymore. You hear more along the lines of what we have been saying which is there is a problem that needs addressing; and we have been saying that because you have the strength of a 70-year safety net in place, that we should not be irresponsible about how we reform it. We should not be irresponsible by slashing a gaping hole in that safety net through which millions of people would fall.

And because this is the 30-something Working Group, I have often pointed out that when we talk to our friends, our peers who are also members of our generation, I know I ask my friends if they think that Social Security will be there for them when they retire. I am 38. The gentleman from Florida (Mr. MEEK) is 38, and we have friends who do not believe that Social Security will be there. Yet, if we look at the numbers, all the reliable numbers, the ones right from the Social Security Administration, the first instance that we have even a concern about whether or not we are going to be taking in as much as we are paying out is 2041.

Well, I will be 74 years old in 2041. And if you are using the more reasonable, non-Dooms Day numbers, it is more likely that 2051 is when we begin to approach a problem. I will be 84 years old. Now, that is about 20 years past normal retirement, so the sky is not falling.

There is a problem and a responsible government will recognize that problem and take the time to make the changes that we need to make without throwing out the baby with the bath water.

Mr. SPRATT. Mr. Speaker, following up on what the gentlewoman has said, this chart spells it out, it is a little busy, but the President and others who are claiming there is a crisis point in 2017, 2018 as a pivotal year, that is the year when incoming dedicated revenues will be exceeded by outgoing scheduled benefits. But Social Security at that point in time, the trust fund will be sitting on a reserve, a cache of U.S. Treasury bonds equal to $4.7 trillion. The interest on those Treasury bonds will not only continue to ensure benefits in full; they will actually add to the surplus, the corpus of the trust fund, so that in the year 2027, $6.5 trillion will be in that cache of Treasury bonds held by the trustees of Social Security.

Now, at that point in time the interest income will no longer be adequate to fully cover the benefits outgoing, but with $6.5 trillion in Treasury bonds, by redeeming those bonds the system is assuredly solvent until 2041.

As the gentlewoman just said, the actuaries of Social Security are paid to be conservative. They are paid to be very, very cautious and they are. The rate of growth they are assuming is a very, very modest rate of growth. We do not want to be fools, so we take a very conservative view of things. But the CBO has taken a slightly more realistic view of the future and they say, we think you will make it to 2052. We think the system then will be able to pay out 78 cents on the dollar, not fully but substantially, and after that something in the range of 78 cents on the dollar.

So the system is faced with problems down the road, but we have got time to fix them. The sooner the better; and if we fix them right, we will not have a problem.

I was here in 1983. Social Security really was in trouble in 1983. Some forecasted that it would scrape bottom, run dry in the retirement trust fund in July of 1983. President Reagan got together with Tip O'Neill and the leadership of the Senate. We appointed a truly bipartisan representative board. You had Mr. Greenspan at one end. Claude Pepper at the other end. Dan Moynihan here. Jim Baker there. They got together and they came up with a menu of different choices to which every stakeholder contributed something. And the result was the system was made assuredly solvent for the next 60 years.

That can be done again. There is no reason we cannot do it again, and everybody then can breathe easily. But you cannot do it and incorporate these private accounts which are carved out of Social Security and make the shortfall today twice as large as it actually is.

Ms. WASSERMAN SCHULTZ. What I wanted to bring out was exactly what the gentleman was talking about. We have a problem that needs to be addressed. But we can not throw our Nation's retirement security, our constituents' retirement security, to the whims of the stock market and then add insult to injury by saying that we are going to adjust their benefits based on the price index as opposed to their wages, because obviously wages grow more quickly than prices do.

So their benefits are going to be cut both through the indexing and through the privatization and on top of that will add to the deficit.

This is about the most irresponsible proposal that I have ever heard of.

Mr. MEEK of Florida. Mr. Speaker, if I can, before we walk too far away, before we walk too far away from what the gentleman said, the fact that he was here in 1983. I will tell you how this argument works.

In 1983 I was in high school. I was a senior. The gentleman is still a good man. I was a senior in high school. And we know in that year it took a lot of leadership because there was a big Democratic majority here in this House and in the other body across the hall. There was a Republican in the White House, but on behalf of the American people, and there was a true crisis and the gentleman described it. And I just happen to have the vote here.

Here in the House it was 243 people that voted for it, voted for that bipartisan proposal. It took leadership in this House and in the White House, and that is what it will take in this debate. In the other body, we had 58 of our colleagues down the hall, 58 of them voting for it at the time.

That was a bipartisan bill. It was not something that was one sided, and that is what is wrong with this debate now.

I want to make sure that Members and the American people understand. If we were in the majority, we, Democrats, that it would be a bipartisan approach because many folks do not understand, well, why are they talking about it? Why do they not just do it?

Well, we want to do it. The gentlewoman from California (Ms. PELOSI), our Democratic leader, wants to do it. The gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means, want to see a bipartisan approach. But that is not happening right now, and that is the reason so many things are happening to the American people in this debate.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for being here and raising the intellectual level of this debate that we usually have.

Mr. Speaker, I had a town hall meeting last night on Social Security in Green, Ohio, just south of Akron. And it was 2 or 3 to 1 against any kind of privatization.

There was one point I wanted to share tonight. There was a woman who was there who said she was actually for the private accounts until she, I think, found out a little bit more about them. The 4 percent that the President says that you can divert and put into a private account, she made $19,000 a year. Now, 4 percent of her income, of $19,000 a year, is never going to be enough for her to be able to retire on.

And there was a gentleman who was there who said that he made 30-some thousand dollars a year his whole life, never any more; he did not have any money to put extra into these personal accounts. What he would have put in, he went back and did the math, would

have never worked out to him receiving the kind of money that he would have been able to get through Social Security.

So it may sound good that you are making a lot of money every year that, hey, I will get a little extra and put that in the market too. But what about those people who are struggling now more than ever, making 19, 20, 25, $30,000 a year. Four percent of that is peanuts to say that you will be able to retire on.

So as we have this debate about the personal accounts, I think it is very important for us to recognize that diverting 4 percent of your Social Security taxes into this is never going to be enough for this to retire on.

□ 2045

That was really the only point I wanted to make here. I want to thank the gentleman for joining us. Throughout, since I have been here, he has been the guru on the budget. We all follow his lead. So I thank him very much.

Mr. MEEK of Florida. Mr. Speaker, we have about 3 minutes left. So if the gentleman from South Carolina (Mr. SPRATT) wants to make some closing comments, he can.

Mr. SPRATT. Mr. Speaker, there is one thing we have not spoken about. We have talked about the budget deficit. We did not speak about the trade deficit, $666 billion, also an encumbrance we are leaving our children. We did not talk about the jobs deficit. In the last recession, 2.5 million manufacturing jobs, the best of our jobs, were lost, that have not come back. Service jobs have but not manufacturing jobs.

One of the solutions to all of this has got to be education. We have got to have a workforce that is educated as never before in American history, adaptable, keen, intelligent, quantitative, and if we look at the budget the President sent us for the first time since 1988, a President of the United States requested less for spending on education than we are currently spending at the present time.

He wipes out vocational education, $1.3 billion. Wipes out the drug free schools. Wipes out GEAR UP for underprivileged kids who want to get a college education. Wipes out Even Start. Wipes out educational technology.

There are some plusses and puts and takes so that a lot of these do not come out on the bottom line, but when we consider everything, this is the least forthcoming education request at a time when education was never needed as much as it is now. So we have got an education deficit as well.

That is why we are out here tonight, to talk about the 20-somethings and the 30-somethings and what they can expect for the future of America. We have got deficits, which means that we are leaving negative legacies in numerous different areas that we have got to reverse, we have got to undo, and it starts with the budget. We simply cannot keep stacking up mountains of debt which we shove off into the future for our children to pay.

Mr. MEEK of Florida. I thank the gentleman from South Carolina (Mr. SPRATT). I yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I just appreciate the gentleman from South Carolina's (Mr. SPRATT) and the gentleman from Florida's (Mr. MEEK) leadership and the opportunity for us to help explain to our generation what the ramifications will be if the President's proposal goes through. I think it is real important that we plug the Web site, and the gentleman from Florida (Mr. MEEK) has it up here on the board.

Mr. MEEK of Florida. We even want e-mails from Members, but definitely from the American people and others. 30somethingdems@mail.house.gov is our e-mail address. We always look forward to receiving e-mails.

As we close, I just want to not only commend the gentleman from South Carolina (Mr. SPRATT) for his leadership but for the leadership of this Democratic Caucus here in the 109th Congress and the 108th Congress, which I have served in, and presently serving in the 109th, for standing up and saying what is right, making sure that we watch out for future generations; just for the charts that are being generated out of the gentleman from South Carolina's (Mr. SPRATT) committee staff and from the gentleman, I tell the American people and also I tell Members of the majority side, if it is about defense, then 44 percent of our debt is owned by foreign countries, up drastically since President Bush has taken office.

This chart that the gentleman showed dealing with retired workers of 62.8 percent that is dealing with Social Security, that the benefits they are receiving, 13 percent of workers that have disabilities. I mean, these are real issues that are facing families in America right now, and this is a moral issue as the gentleman mentioned.

Spouses with children, 10.1 percent, and survivor benefits, the highest outside of retired workers, 14.1 percent. These are individuals that their loved ones, mothers and fathers, have passed on, and they are living on the benefits that they left behind. Sometimes that is all they had to leave. The most shocking chart that the gentleman provided to all of us here is how the benefit structure goes down, 34,587 cut.

I want to thank the gentlewoman from California (Ms. PELOSI), the Democratic leader, once again for allowing us to have this time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1544, FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT OF 2005

Mr. SESSIONS (during the Special Order of Mr. MEEK of Florida) from the Committee on Rules submitted a privileged report (Rept. No. 109–77) on the resolution (H. Res. 269) providing for consideration of the bill (H.R. 1544) to provide faster and smarter funding for first responders, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1279, GANG DETERRENCE AND COMMUNITY PROTECTION ACT OF 2005

Mr. SESSIONS (during the Special Order of Mr. MEEK of Florida) from the Committee on Rules submitted a privileged report (Rept. No. 109–76) on the resolution (H. Res. 268) providing for consideration of the bill (H.R. 1279) to amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals and for other purposes, which was referred to the House Calendar and ordered to be printed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1268) ''An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.''.

The message also announced that the Senate has agreed to without amendment concurrent resolutions of the House of the following titles:

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.

H. Con. Res. 127. Concurrent resolution calling on the Government of the Federal Republic of Nigeria to transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes, crimes against humanity, and other serious violations of international humanitarian law.

The message also announced that the Senate has agreed to a concurrent resolution of the following title:

S. Con. Res. 31. Concurrent resolution to correct the enrollment of H.R. 1268.

EDUCATION IN THE UNITED STATES

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

Mr. CASTLE. Mr. Speaker, I am pleased to be here. I am pleased to follow the 30-Somethings, although I am a

little bit old for them. I think the gentleman from South Carolina (Mr. SPRATT) might be a little bit old for that as well, but I want to talk about a different subject matter, as interesting as Social Security is, and I will share time with the gentleman from Michigan (Mr. EHLERS), my distinguished friend, on this subject which is essentially dealing with education in the United States of America and the Federal role in education which is frankly largely not understood by everybody who deals in education in this country. Perhaps we can bring a little bit of light to that.

The starting point here is really the Elementary and Secondary Education Act, which is right now 40 years of age. It was 40 years ago last month that President Lyndon B. Johnson signed what we know as ESEA, the Elementary and Secondary Education Act, into law, and the core mission of that Act when he signed it into law 40 years ago and was really one of the times the Federal Government has really got involved in education was to help disadvantaged students improve academically, certainly a laudatory goal I think as far as any of us are concerned.

We have now enacted No Child Left Behind, and many people refer to that as if it is something separate and different and new. What it really is, a lot of the elements of the Elementary and Secondary Education Act with an overlay of some additional requirements as far as standards and assessments are concerned.

President Johnson, when announcing his plans for the Great Society touted the goal of an end to poverty and racial injustice. When addressing education specifically he said, The Great Society is a place where every child can find knowledge to enrich his mind and to enlarge his talent.

The ESEA arguably triggered the most significant Federal role in elementary and secondary education. When he did sign that Act into law, President Johnson explained that, ''By passing this bill, we bridge the gap between helplessness and hope for more than 5 million educationally deprived children.''

So where are we now some 40 years later as we look at No Child Left Behind? Well, progress has been made since the enactment of the ESEA, and sometimes, it is hard to measure that, but I think by any standards, if you look at the various aspects of that Act, we can certainly claim that there has been progress. Nearly 4 decades later, however, poor and minority children still lag well behind the education curve. It obviously has been through a lot of cycles, kids going first through 12th grade in that 40 years.

In fact, a huge gap still remains when it comes to ensuring that all kids are actually learning. No Child Left Behind built upon numerous reauthorizations of the Elementary and Secondary Education Act and was driven to eradicate this problem and to ensure that every student will not only have access but will also receive a quality education.

The Federal Government has spent more than $300 billion on K-through-12 education since 1965, which was the date of enactment of the Elementary and Secondary Education Act. Yet that significant academic achievement gap that I referred to between disadvantaged students and their more affluent peers still exists in key subjects, such as reading and math.

According to the recent national data on this subject, by the time African-American students reach eighth grade, only 12 percent can read proficiently, and only 7 percent are proficient in math. Nationally the achievement gap between Hispanic and Caucasian fourth graders is 29 percentage points.

We have allowed ourselves to believe that some children are simply beyond our reach. No Child Left Behind is rooted in the belief, a different belief, that all students, regardless of race, background, income, geography or disability, can learn and must be given the chance to do so.

In the true spirit of President Johnson's vision, and like many other laws that passed during the Great Society, we are helping all students.

As Brent Staples recently wrote in the New York Times, No Child Left Behind happens to be the best hope of guaranteeing black and Latino children a chance at equal education. Its core requirements that States educate minority children to the same standards as white children breaks a century old tradition of educational unfairness.

I think that captures that as well as it can be captured in a short sentence or two.

For the past 3 years, the Federal Government, States, school districts, parents and especially students have been dedicated to reforms that ensure no child is limited. We are engaged as a Nation in a continuing dialogue about our public education system. Despite the often unfavorable tone, the fact remains that people outside the education community are focused on reforms established by No Child Left Behind. No Child Left Behind has its skeptics, and change is never easy.

Many have complained that the Department of Education has been inflexible with implementation. This has not, however, been the case. The U.S. Department of Education continues to not only be an important voice in helping to implement the law but an ear to some of these negative accounts.

Some of that flexibility I have put on this chart, which I have to my left, that they have undertaken, particularly in the last 2 years.

The first of these is flexibility on testing students with disabilities. It has been shown that some of these students simply are unable to stay up at a class level with other students, and some flexibility was introduced in order to address that, mainly in the percentage of children who would be exempted from the testing.

Flexibility on testing students with language barriers: Again, there are demands that the kids be able to master the English language and be able to test in that language eventually, but we are seeing the need for some slowdown there.

Flexibility for rural schools on high-quality teachers: High-quality teachers mean basically teachers who are proficient in the subject matter which they are teaching, and obviously, if you are a math teacher, you are proficient in math. You studied math or history or English or whatever it may be; you studied that particular subject. But obviously it is not always that easy, particularly in rural areas, particularly for teachers who are teaching more than one subject, that they be highly qualified in that area. So some latitude has been issued as far as that is concerned.

Flexibility of student attendance issues: Some of the attendance numbers were high, demanding some flexibility, although not much, was introduced in that particular category.

Flexibility toward raising student achievement, a new path for No Child Left Behind, and again, that is an important subject in terms of where we are going to advance as far as No Child Left Behind is concerned.

So the Department, I think, has been a lot more flexible than anyone has really given it credit for in terms of what they have done. They continue to review this, and some say, Well, what is happening in the Congress of the United States?

We, in the Congress, will look at this again, not this year or next year but the year after that in what we call reauthorization. So, in the meantime, the Department of Education is doing its job, and we are preparing to do our job as far as the reauthorization is concerned to make sure that this program works.

The bottom line is that students realize that there are standards in place now in all 50 of our States. There are assessments in the form of testing in place in all of our States, and probably, this will eventually go on as a matter of fact to high school, as well as the grades which it is in now, in a more formal sense than it does at this point.

Mr. Speaker, most recently, Secretary Spellings, who is now our Secretary of Education, by the way, and, I think, doing a splendid job, announced a set of guiding principles to help States implement No Child Left Behind while taking their unique situations into consideration.

I know my State, which is the State of Delaware, is that we have had a couple of submittals of different plans that have been accepted, and there has been a great deal of flexibility as far as the States are concerned, but these principles include ensuring students are learning, making the school system accountable, ensuring information is accessible and parental options are available and improving the quality of

teachers. To me, it is pretty hard to fight these things. To me, that makes a heck of lot of sense in terms of educating the young people of America.

If a State is meeting all of these principles, the Department will take that into account when discussing amendments to State accountability plans. This approach, if carried out fairly and in the true intent of the law, could help some issues that have been raised throughout the implementation process.

So this is being looked at. These demands are being made. In a moment, I am going to return to this and talk about the funding and talk about some of the student test scores and how they are doing better now than they were before as we understand the difficulty of the greater demands which are there but of making absolutely sure that that is translated into help for our children across the United States of America.

□ 2100

Before I do that, Mr. Speaker, I want to yield to my good friend, the gentleman from Michigan (Mr. EHLERS). I must just say this: my colleague has a scientific background. He is, I hate to use the word fanatic, but I can almost use it in this case, because when it comes to math and science, there is no person probably in the history of this Congress that has been more of an advocate for this than he has. And by an advocate, he goes out to see if there are laws he can change, speeches he can make, writings he can pursue in order to shift policies. And he has made a difference as far as that is concerned. He has been a stalwart friend of mine and a stalwart friend of, I think, everybody in education. He has been on the Committee on Education and the Workforce with me for a number of years now, and so it is always a pleasure to work with him.

So at this time I will yield to him, Mr. Speaker.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding to me and for the glowing introduction. I would return the compliment, and the gentleman from Delaware has done a superb job of chairing the subcommittee dealing with education. I appreciate his efforts. He deals primarily with K–12 education and is largely responsible for all the good things that we have done and that he has been talking about.

My first comment is simply one I have to get off my chest, because I heard so many falsehoods about this last year during the campaign when individuals were asserting over and over and over that we Republicans had passed No Child Left Behind, but we had not provided funding for it. That is just utter nonsense. If you look at the history of what the appropriations were from the Federal Government for K–12 education before No Child Left Behind was passed and what they have been after, it is clear that there is a huge difference.

I believe my colleague will probably discuss that later and show a graph which shows how rapidly it has increased under the Republicans. Republicans are the true friends of education and have been for years; and this is a dramatic demonstration of it, increasing 148 percent in our funding over a short number of years.

Now that I have that off my chest, I will talk about math and science education. The No Child Left Behind bill contains some provisions which were not in there before, and that is that students not only will be tested on reading but also on math and science. They are being tested on mathematics right now to find out how well they are learning and how much they are learning. In the year 2007–2008, for the first time, they will be tested on science. And States are, as we speak, drawing up requirements, standards that the students must meet, and they are developing appropriate tests for those standards.

Now, why is math and science so important? A lot of people think, well, it is great if you want to be a doctor or an engineer or a scientist, fine, take math and science. But if you do not want to be any of those, why bother? Well, I will tell you why it is important. Because the jobs of the future are simply going to require that the individuals applying for those jobs have an understanding of the basic principles of science and mathematics. It is that straightforward.

I can give a good example of that just in my personal experience. Last year, I was driving down the highway and listening to National Public Radio, and they were doing a story about grease monkeys, or what used to be called grease monkeys, mechanics who work on cars. In the course of doing the story, they interviewed a service manager of a dealership and asked, what do you look for when you hire a new mechanic? He said, first of all, they have to have had high school algebra and high school physics.

That was amazing to me, because when I graduated from high school many years ago, those who were planning to become mechanics did not take physics or algebra because they did not need it. They were planning to be mechanics, so why bother taking it. But the world has changed. The cars back then had no computers under the hood. Today, there are literally hundreds of microchips under the hood of every car. And anyone who wishes to be a mechanic had better understand how to do the diagnostics, how to read the curves and graphs the diagnostic equipment displays. And so that is just one example out of many.

My district has a lot of manufacturing, as does much of Michigan; and when I tour those factories, it is a different world today. The people who work on those machines understand math and science. And if they do not, they will not get that job. They are making good money, $60,000 or $70,000 a year. But they earn it because they have studied hard to learn math and science, and they have learned it well.

Our country in the future is going to need good technicians, good mathematicians, good scientists, good engineers, but also good factory workers, because the jobs in the factories are changing. Jobs in retail are changing. Jobs in many areas of life are changing, and we have to do a better job than we have been.

How have we been doing compared to other countries? The Third International Mathematics and Science Study, which occurred a number of years ago, was very revealing. In the United States, the fourth grade was a little below average in mathematics. By eighth grade, we were way below average. By high school, our students, our high school students compared to those of other industrialized countries were second from the last.

Now, I have never regarded America as a Nation to be second from the bottom. I have never regarded our Nation to be average. We should be better than average. But our students are not performing in mathematics.

A similar test for physics was even worse. We were dead last of all industrialized nations in high school physics. More recent tests bear the same trend out. We are just not meeting the needs of the future. We are not competing with other nations. We are losing ground to them.

A lot of people say, why do kids really need it? Well, I talked about the jobs of the future, but let me outline that it is more than just that. We need scientists and engineers to provide the kind of innovation that will keep jobs here. We constantly complain about jobs going to China, to Mexico, to Thailand, and to India. Why are they going there? It is not just the different wage rate. It is the fact that they have highly trained scientists and engineers, whereas in America, engineering enrollments have gone down steadily for the past 20 years, just starting to come up the last couple of years.

In China, they went from producing far fewer engineers than we do to producing more than four times as many engineers every year as we do, and they are beginning to innovate. They are beginning to develop new products. They are developing new factories, and we are falling behind in that.

But there are other reasons to teach math and science. Consumers today need to know when they are in the marketplace, they have to know something about science to read all the labels on materials and understand what there is in these foods and what is in these products they are buying, whether they are safe or not, and how do you read the labels, the content labels and the warnings.

Also, voters have to know. Today, with referenda, particularly in California, they frequently have referenda on things such as the environment. Last election they had one on stem

cells. How are the people supposed to vote on these if they know nothing about math and science?

Math and science also produces thinkers and learners. It is a different learning process to learn math and science. I hear this a lot from people: oh, it is so hard. Do our kids really have to take it? Or, I just could not get math when I was in school. I hear this over and over. What they fail to recognize is that math and science require a different mode of thought because science uses a different mode of inquiry. I do not think it is any harder than anything else, but it is a different way of learning, something most students have not experienced before if they have not had good math and science education in the first eight grades.

I recall a case where I was teaching a student when I was a professor at the University of California at Berkeley. She came in with a total mental block. This was the most elementary physics course in the department, Physical Science 10. She said, I cannot get this stuff. I cannot get it. I cannot get it. And I worked and worked with her, and spent hours with her; and finally she saw the light and learned how to think properly. I had not heard from her for years after she left my class. When I came to Congress, I got a little note from her. She is now the director of a laboratory in Wisconsin. So even someone who felt they had no hope of passing learned how to learn, and from then on it was good.

But also we have other reasons for it. Economic security. The better jobs go to those who understand math and science. National security. The Rudman Report of a few years ago made the most striking statement I have heard, and that is that the greatest danger our Nation faces beyond nuclear war is the fact our students are not able to compete in the world market and, therefore, we are facing dramatic problems in our Nation if we do not improve.

Now, what can we do about this? Everyone always blames the teachers first. I have worked with teachers in the classroom for some 30 years. I have gone in the classrooms, I have taught myself, I have taught the teachers how to teach students, and I will not say a bad word about the teachers. Because all the teachers I worked with earnestly wanted to do a better job of teaching. The problem is they had not been taught math or science properly. They had not been taught how to teach it properly, and they just felt it was hopeless. They did not know where to start, what could they do.

So I believe our role as the Federal Government is to provide training opportunities, both preservice and inservice training for teachers, teaching them math and science, but also how to teach math and science. In addition to that, we need improved curricula that really teaches science the way it should be taught.

The way to teach science is by doing it, not by talking about it; and that we have to get across. Because the kids love science if it is taught by doing it. They love doing the experiments. They love figuring it out. But if they have to just sit and read a book and memorize all the terms of science, it is not going to appeal to them, and they will not learn what science is all about.

So we need inquiry-centered curricula. We need hands-on curricula, where kids actually use materials and work with them; but it also has to be based on the concepts of science. Too often education programs emphasize either inquiry or they emphasize the hands-on approach or they emphasize concepts, and they all argue with each other about what approach to take. To me the answer is simple: it is all of them. You combine all of those and develop curricula that really meet the needs of the kids, keep them excited and interested, and also provide the teacher training so the teachers can teach those courses.

We are facing a crisis because of this. But there is another reason: India and China. Almost 20 years ago, India made the decision that the only way they were going to compete in the world today is by developing strong backgrounds in math and science, and they had a unique way of doing it. They set up an institute of science, mathematics, theoretical physics, and all these things, similar to MIT and Harvard combined, and set that as the goal for every child in the nation to achieve. And it really worked. All the parents wanted their kids to go to that school. It was the best school in India, and arguably one of the best in the world. So the parents wanted their kids to go. They made sure they studied math and science hard.

Now, obviously, not all of them made it; but in the process of trying, many of them ended up learning enough math and science so that when they got to the university, they could study more math and science and choose one of many different careers.

In conclusion, let me just say that we live in a very competitive global economy. If we are serious about competing in this global economy, we have to make certain that we work smarter. And to do that we have to make sure that our kids are smarter; that they learn the right things in school; that they are fit for the job market of the future; that we can compete with these other nations and beat them at their own game, and that we can maintain our strong economy in the face of this global competition.

With that, Mr. Speaker, I am pleased to yield back to the gentleman from Delaware, and I thank him for accommodating me for such a lengthy discourse.

□ 2115

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Michigan for his continuing and abiding interest in this subject. I am afraid sometimes the rest of us do not take as much note of it as he does. Perhaps we had a little trouble with the math and science ourselves, I guess. But I understand how important that is. Every time I talk to companies, to people who come into Delaware looking to locate in Delaware, they make a big fuss about that. We happen to have more Ph.D.'s per capita than any other county in the country in New Castle County. As a result of that, there is a great deal of interest in research in our area. I understand the importance of this. We need to sell the message to a lot of people out there. The gentleman from Michigan is the one who really helps sell it.

Mr. EHLERS. If the gentleman will yield, I want to thank the gentleman for his comments. It just reminded me of something I often say to students when I am in high schools. I tell them, Look, you have a choice: You can either be a nerd, or you can end up working for a nerd. Which would you rather be? That is what it is likely to come down to in the future because, if you do not understand math and science, you are not going to have a really quality job.

Mr. CASTLE. I thank the gentleman for all his help in this area. He touched on something that I want to turn to now with these charts because some of the strongest criticism that we have heard concerning No Child Left Behind has been with respect to the funding, specifically the Federal Government's role in funding the Elementary and Secondary Education Act.

If we look carefully at these charts, we begin to get the true picture of what is happening in the funding. Let me go through it word by word. Education Funding, Discretionary Appropriation Increases, Fiscal Year 1996 to Fiscal Year 2005. This is what the Federal Government has done for the funding of education. Although it says the Department of Education here, this money basically flows through to our States and school districts throughout this country. Federal funding for education has more than doubled over the past 9 years. Under the final fiscal year 2005 appropriations bill, discretionary funding for the Department of Education climbed from $23 billion in fiscal year 1996 to $57 billion for fiscal year 2005. That is an increase of 148 percent. That is a tremendous increase. We are talking about 15 percent, and maybe the math comes in handy here, 15 percent or more on an annualized basis. Most costs of living, when you measure it in government programs, is just that; it is cost of living. Usually it is 2 or 3 percent. So the Federal Government has stepped forward and said, We are going to make a larger commitment to education, and we have done that in the course of the last 9 years. I do not have the chart here to show this, but I would be willing to put a lot of money on the fact that the States and the local school districts have not

been able to keep up with this particular pace of funding that has gone into education.

Just one more chart while we are looking at these charts, and that is funding for programs under the No Child Left Behind Act, a 40 percent increase in 5 years, showing that, in the last 5 years since No Child Left Behind, we have also had very significant increases as far as No Child Left Behind is concerned to help with those programs. These are programs, by the way, which were being put into place by most of the States and most of the school districts in this country even before No Child Left Behind came along. I am very dubious of any argument saying the Federal Government has not done its share as far as that is concerned. I am discouraged, frankly, by States and organizations that focus more on the funding levels than on what the law is supposed to ultimately be providing to students, which is a quality education and the opportunity for future success. Many even argue that it is an unfunded mandate, that it is impossible for schools to implement the law at the funding levels provided by Washington, D.C.; This is a disingenuous argument at the very best.

The nonpartisan Government Accountability Office, which you may know as GAO, released a report in May 2004 which discredits comments that No Child Left Behind is an unfunded mandate. The GAO reviewed more than 500 different statutes and regulations enacted in 2001 and 2002 and officially concluded No Child Left Behind is not an unfunded mandate. Even more clear are the significant increases in Federal funding of Elementary and Secondary Education Act programs since the enactment of No Child Left Behind as was shown by those charts. According to the U.S. Department of Education, Federal funding for programs encompassed by No Child Left Behind has increased $17.4 billion, as I indicated, representing a 40 percent increase in just 3 years. Included in this number is title I funding for disadvantaged students and schools, which is funded at $12.7 billion in fiscal year 2005, an increase of 45 percent since No Child Left Behind was signed into law. That is significant, because that is the money that is going to the schools that have the most low-income children in their schools.

It should also be noted that, in 1994, President Bill Clinton signed the Improving America's Schools Act, a reauthorization of the ESEA, that required States to develop standards and aligned assessments for all students. Districts were required to identify schools not making adequate yearly progress and take steps to improve them. Bill Clinton, 1994.

This makes two important points. First, States across the country should already have been implementing accountability systems similar to what is required under No Child Left Behind. The previous reauthorization included many of the same provisions, just without the necessary teeth to ensure compliance. Second, during that time, Congress did not appropriate the same levels as were authorized in the act. Democrats funded education in the same manner when they controlled Congress and the White House.

Yes, raising the student achievement levels are difficult and expensive. The fact remains that the Congress has been funding the program. States and organizations should not be avoiding their responsibilities to students on the back of a failed funding argument.

The hard work and dedication of those implementing No Child Left Behind is clear, and we can all agree with the law's goals. We are beginning to see results. Many educators across the country have stepped up to the plate. New test results for the 2003–2004 school year show students are posting high math and reading scores on States' tests. For example, in my home State of Delaware, scores have improved in three out of four grade levels in all three subjects tested, reading, writing and math. Fifth grade reading performance in Delaware climbed to 85 percent, a seven percentage point increase from last year. In Ohio, fourth grade math scores improved from 58 percent last year to 66 percent this year. Additionally, according to the Chicago Tribune, students in every grade level posted increased scores on statewide reading and math tests in the 2003–2004 school year. Finally, according to a 2004 study by the Council of Great City Schools, the achievement gap is narrowing in both reading and math between African-American and Caucasian and Hispanic and Caucasian students in our Nation's inner city schools, and they attribute the positive change in part to No Child Left Behind.

We must also recognize that the job is not done. We must see to it that all children are receiving a quality education. No Child Left Behind is a step in this direction, and we must stay the course. Any attempts to change the system would play into the hands of those who support the status quo, effectively preserving a failed system that does not ask if children are learning.

CHINA

The SPEAKER pro tempore (Mr. JINDAL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity here to address the House on an issue that I think has become more and more pertinent to the American people and to the American economy. One issue that I hear about almost as much as I hear about the Social Security issue back home in my district, which is northeast Ohio, I hear about the issue of China. We cannot, I do not think, speak of any kind of economic recovery in the United States of America or talk about providing middle-class people with high-wage, high-paying jobs until we figure out the issue of China. I am going to have a brief discussion here tonight and show some charts just to kind of outline what has been happening here in the United States of America.

Quite frankly, I feel like it was an issue that was not discussed enough in the last presidential election. I feel like this is an issue that the American people want the politicians that are here in Washington, D.C., in this Chamber and leaders in government to talk about, and we have not been. Hopefully, with some legislation that I have offered with the gentleman from California (Mr. HUNTER), the China Currency Manipulation Act, this issue will become and come to the forefront of American politics. I just want to share with the American people some statistics, some charts that I think help outline exactly what has been happening.

This first chart here is the State crisis. It outlines here how many manufacturing jobs have been lost in the United States from June of 1998 to February 2005. As you can see, the red States here have lost more than 20 percent of the manufacturing that they have in their States. You can see the red from Maine, mostly in the Northeast-Midwest quadrant, Ohio, Michigan. Ohio lost 216,000 manufacturing jobs. Then between 15 and 20 percent of manufacturing jobs lost are in the deep blue or the deep purple, Georgia, Florida, Texas, New Mexico, Arizona, California, between 15 and 20 percent of manufacturing. These are the high-wage, high-paying jobs that have health care, that have a good retirement, that have a good pension. These are the kind of jobs that drive the middle class forward. And these are the kind of jobs and the kind of companies in Ohio and elsewhere that pay taxes, that workers pay taxes. They vote for school levies. They vote for mental health levies. They vote for library levies. They vote for all the things that are needed to help lift up local communities. What has happened because of this crisis that we have here, local communities are beginning to suffer. They are not able to pass the police and fire levy because the 216,600 workers who no longer work in a high-wage manufacturing jobs are left to go to Wal-Mart, are left to go to Super K or Kohl's and make very little money without health care benefits. If we think that we are going to maintain the kind of prestigious global power that we are today and hopefully will continue to be, there is no way we can do this by replacing General Motors with Wal-Mart or replacing Wal-Mart for General Electric. That is not going to be a great America in the 21st century. This graph, this billboard here, illustrates that point.

And so the issue of China inevitably comes up, and how are we going to deal

with it? Because we know, whether you are the owner of a small machine shop or a mold shop or in some light manufacturing, it is the Chinese goods that are coming into the United States that are helping wipe out the manufacturing that is here now. What is happening is the Chinese are manipulating their currency, and they are manipulating their currency to the rate of 40 cents on the dollar.

I have a factory back at home. They make tubing when you put up the sprinkler systems in industrial facilities and commercial facilities. It is called Wheatland Tube. Wheatland Tube has been a great company and still is. They have invested over $8 million in the United States over the past few years. Their product is competing with a Chinese product. The Chinese are shipping their tubes into the United States. When the Chinese product, fully assembled, completely at the end of the manufacturing process, when it arrives in the United States of America, that Chinese tube is the same cost as the raw materials that Wheatland Tube has to buy. Wheatland Tube has not even begun the process of making their tubes. But the Chinese tubes have already been manufactured and produced, arrive in the United States less than the cost or the same cost as the raw materials for the United States company.

□ 2130

How can the United States company compete with that? It cannot, and that is why the United States in the previous billboard looked like it did.

This is a graph that has the U.S. annual trade with China. This line here, the gold line with the blue dots going up, is imports. These are Chinese products coming into the United States, and it goes up to $200 billion in 2004. And we can see where it was in the mid-1980s and early 1990s, and it slowly began to rise.

The exports, what we are shipping to the Chinese, is this blue line, coming straight across. We are not able to increase our exports. And the funny thing is, if the Members remember back when we were signing all these trade agreements in the 1990s, when we were talking about we have to open up markets and we have to export products from the United States so that other people will buy them and we will make them here and we will ship them off and it will be great, that has not happened with the Chinese.

We were told when we signed PNTR, Permanent Normal Trade Relations with China, most favored nation trade status with the Chinese, we were told there is 1.3 billion people in China, we want to sell our products to the Chinese. It has not happened. It simply has not happened. These are the goods we are importing, these in the blue line is what we are exporting, and it is not working out. And when we look at the top 15 exports from the United States to China, three are either waste or scrap products, three of the 15. Four of the 15 are raw materials or agricultural products, and six of the 15 are parts, which basically means we are exporting parts, raw materials, scrap, to China, which are manufactured there and shipped back only to be imported here in the United States.

The gold bars are the trade numbers with China, the deficit that we have, $162 billion trade deficit with the Chinese. We are importing $162 billion more than we are exporting to the Chinese. They are wiping out the middle class in the United States of America because of our trade policies here and because we are allowing the Chinese to manipulate their currency.

Now, if the currency situation was fixed in China, if they were not gaining a 40 cents on the dollar advantage, Chinese products that were made in China, the price would go up; and if the price goes up and they still try to ship it to the United States, our goods here would be more competitive, and then the Chinese would have currency that had more value so that when we shipped products, when we exported products to China, our prices coming from the U.S. would actually be cheaper to the Chinese consumers.

And the Chinese agreed, when they came into the World Trade Organization, that they were going to be fair brokers and they wanted to be a part of the global system. And we are not seeing much action by the Chinese. And, quite frankly, we need to be firmer here in the United States. And that is why the gentleman from California (Chairman HUNTER) and I, along with the gentleman from Wisconsin (Chairman SENSENBRENNER), who signed on to our legislation, the gentleman from Illinois (Chairman MANZULLO), AFL–CIO, China Currency Coalition, a lot of the small business trade groups, this is not a Republican or Democrat issue. This is an American issue. This is an American issue. And if we do not fix it, there is not going to be a middle class in the United States of America, and we are going to continue to see some of the older industrial cities and industrial areas in our country continue to struggle. Whether it is the county funding, police and fire, schools, we are not going to be able to survive.

This is a startling, stunning chart. This is the U.S. trade balance in goods. The U.S. trade balance in goods. The goods deficit which covers manufactured products hit a record $651 billion in 2004. And from 1998 to 2004, a $421 billion jump, just in these few years, from 1998. These are the hardcore manufacturing products which contribute to job loss here in the United States: steel, supply chains for all of the major corporations that have moved and have altered the trade balance with the Chinese to the tune of $651 billion.

So we have to ask ourselves, why do we continue down a road where we are losing, we are losing this battle? And I do not know about anyone else, but I keep score, and when we are losing, we need to stop doing what we are doing and fix it and apply the pressure to the Chinese that we need to apply until they fix at least their currency problem that is cheating everyone else who is trying to buy their products and in the U.S. up to 40 cents on the dollar. They are cheating.

And the reason this is so urgent for the United States of America to act now and not wait 10 years from now, not take the slow, diplomatic process that we have been taking, the reason it is so imperative is right now we are buying all their products. Right now we are consuming all of the Chinese products. They need us now. They need us now. And when they need us, that is when we have leverage to move.

Now, we also need to balance our budget because the Chinese are helping fund our $500 billion deficit. So we ought to do our job here. But at the same time, we need to recognize what the U.S.-China Commission said and told Congress, submitted a report. First it said that the overall trade situation with the Chinese had an overall negative impact on the United States, overall negative. A bipartisan commission, people from the Reagan administration, people from the Clinton and Carter administrations, totally bipartisan.

The Chinese trade has overall negative implications on the United States. That is scary enough. But they went on to say that we have about a decade in the United States, about a decade, to fix this problem because at some point we are not going to be consuming as much as we are, because we are not going to have the kind of money here that we have now. We are not going to have the kind of wealth to be buying if we continue to go down this road. If jobs that pay $50,000 or $60,000 are getting replaced by jobs that are paying $30,000 or $35,000 without health care benefits, there is only so much we can consume, and that is what is happening. The jobs replacing the jobs that are leaving are $10,000 to $12,000 less a year without health care benefits.

So how are we going to keep up? And what the U.S.-China Commission has told us is that we have about a decade and we had better fix it now. And that is why this is so urgent. That is why we see bills, the Schumer-Graham bill in the Senate, talking about putting on 27 percent tariffs on Chinese goods coming into this country to try to stem some of this tide that is coming in, or whether it is the WTO-compliant Ryan-Hunter bill that is gaining a lot of support here in this Chamber because Members are beginning to recognize that this is a real problem in the country.

Our bill does not violate any of the WTO rules. It is compliant with the World Trade Organization, which I am not exactly thrilled with the World Trade Organization. I do not like the way they operate. I do not think it is a democratic body. I think it rubber

stamps decisions for multinational companies. There is no doubt about it. But what happens a lot here is someone will put a bill up that will say put 27 percent tariffs or 30 percent tariffs on Chinese goods and a lot of people in this body will say that is not WTO compliant, so we will not even look at it.

So the gentleman from California (Chairman HUNTER) and I went out of our way with a lot of very smart people to compose a bill that is WTO compliant because we want to get over that first hurdle. And we have because we have a good bill, and that is why it is gaining the kind of steam it is gaining. WTO compliant. And it allows the President to recognize currency manipulation for what it is, and that is a subsidy; and so it should be seen as any other kind of subsidy that other countries give in order to ship products into our country and hurt us domestically.

Currency manipulation is no different. If we are gaining 40 cents on the dollar, then that is subsidy; and it is no different than any other kind of subsidy. And our bill gives the President the tools he needs. We want to work with the administration. We have got three Chairs of Republican committees on this bill with the AFL–CIO, with the China Currency Coalition, with a tremendous amount of trade groups, mostly Republican small business owners. This is not a Democrat or Republican issue. And it is time for us in Congress to get the guts we need to make this happen because it is hurting average people in the country.

This is the U.S. manufacturing employment from January of 1999 to March of 2005. And we can see here that in January of 1991 we were at about 17.3 million jobs, manufacturing jobs; and we hit the recession in the early 1990s and we came out of it and peaked out in 1998–1999 at over 17.6 million manufacturing jobs. Not too bad. And then we peaked off in the end of the century; and when we hit January of 2001, here comes the downward slide, from 17.6 million in 1999 all the way down to under about 14.3 million jobs in March of 2005.

Look at this slide in U.S. manufacturing. And, again, it is the manufacturing jobs that are the jobs that have the high wages. They are the jobs that pay a decent wage, a real wage. They are the jobs that provide health care. These are the shops that are part of communities all over the country. These are not the big multinationals who can have the wherewithal to pick up and go over to China and ship the products back. These are the people who live in our communities who donate to the church. They are the small business owner who would donate to the school and give that little extra and the workers who had solid work can work overtime and contribute to their union and to their church and to the civic organizations in local communities, which would be the tax base that supported a lot of the local community.

□ 2145

We have all been there. In Northeast Ohio, it seems like it happens all too much, where a local company that has been in your community for 100 years, or 50 years or 60 years, all of a sudden cannot compete anymore. Then the county and the city and the local school district loses hundreds of thousands of dollars, and the crunch, the squeeze on the people in that community continues, and it ultimately results in a weaker United States of America.

Just a few final charts here.

We were told MFN, PNTR, NAFTA. Now we want to pass CAFTA here, which I do not think is going to make it. Now we are being told here in the U.S., and we were told all throughout the nineties, we are going to sign these trade agreements, and it is going to be really great, because the low wage jobs are going to go to the other countries and we are going to keep all the high-tech, high-wage jobs here in the United States and it is going to be a panacea here. Everyone is going to have a good job and work with their brains and not with their hands, and it is going to be great.

This is the total trade balance in advanced technology products. These are the millions of U.S. dollars. We had in the early nineties a surplus of millions and millions of U.S. dollars, all throughout the early nineties, throughout the mid-nineties into the late-nineties, and then we began the decline. These are advanced technology products. These are the things that appear in the computers. These are the things that appear in your cars, that you do not really know how they work, in airplanes, in televisions. We are losing this too.

We were told we were going to win on these. We are still losing on that too to the tune of millions and millions of dollars in deficits in the United States of America. This is a trend we need to begin to turn around, or our kids are going to be left with a country that is not as strong as it should be.

So we have been told, as the gentleman from South Carolina (Mr. SPRATT) said about an hour ago in this very Chamber as we were talking about a lack of job creation and more or less tied to Social Security, the key in the United States of America, if we are going to compete, is we are in the process of creating a new economy and we do not really know what it is. We want to help with the Chinese and we need to fix the currency manipulation problem, and I think we are applying a lot of pressure to the Chinese now with some of the legislation we have here. Hopefully they will be able to do it on their own and we will not have to implement the kind of reforms here in the U.S. to give the President the power to do that. We want that done.

But, at the same time here at home, we cannot talk about our trade issues, we cannot talk about China, without fixing the problem here at home. We need healthy and educated students in the United States of America who have access to a quality education in any school in the country, because that is the only way that they are going to move themselves forward, that is the only way they are going to be able to lift themselves out of poverty, that is the only way that these communities are going to be able to create and generate enough wealth, enough wealth, to be able to fund their schools and provide for libraries and all the different sorts of services that need to be funded. So we need to focus on education, as well as dealing with the China currency manipulation issue.

This is the budget the President submitted on education. Fifty appropriations will be below current services in the billions of dollars with that budget. You can see there are cuts of $2.5 billion in 2006, $6.2 billion in 2007, and then the same and even greater in 2008, 2009, and, by 2010, cuts of $11.9 billion in the various education programs.

Something the 30–Something Group and I have been working on for a good many years now is college tuition and the Pell Grant. The Pell Grant, when it started, would account for 80 percent of a student's college tuition, 80 percent. Today a Pell Grant accounts for a little over 40 percent of a student's college tuition. An average student graduates with over $20,000 in loans.

Here is what we are doing, the outpaced college tuition compared to what the Pell Grant is. Here is the Pell Grant minimum award, here in light purple, the Pell Grant maximum award in the navy blue, and then the average cost of tuition and fees in a four-year public college setting.

You can see how much it outpaces that, so this grant here no longer meets the need of what the average college student needs in order to go to school and get an education and allow them to compete.

So we have our work cut out for us. I commend to the American people this week's Newsweek, May 9 and the title, ''China's Century, a Special Report.'' ''China's Century.''

The reason this is so urgent for us is not because America is perfect and not that America does not make mistakes, because we have, and we have articulated many of them on the floor here over the years, and we will continue to make mistakes. But when the question comes as to who will lead the world in the 21st century, will it be the Chinese? Will it be a Communist regime that is currently manipulating their currency? Will it be a Communist regime that is spending mass amounts on their military budget? Is it the Communist regime that has no concern for worker rights? Is it the Communist regime that has no concern for the environment? Is it the Communist regime that has no concern for human rights? Is it going to be the Communist regime that has no concern for religious freedom? Is it going to be the Communist regime

that will promote and implement a policy of forced abortions on their own citizens?

Or will it be the United States of America? Will it be the country that has promoted the middle-class, the country that does stand for freedom? We have many warts, but we do promote democracy. There are disagreements on how we go about it, but this is a democratically elected body here of human beings, of American citizens who make human mistakes. But this is a lot better, and this country is best to lead the world in the 21st century, not a Communist regime who has no concern for the human rights of other citizens.

That is what is at stake here in this whole debate. We could talk about currency manipulation and trade and funding and all these different political issues, but the bottom line with this whole situation is who is going to lead the world in the 21st century? If you want it to be the United States of America, we better use this window of opportunity to play tough with the Chinese; to tell them to fix their currency manipulation, or face the consequences.

This body needs to provide the President with the tools that he needs to be tough with the Chinese and force them to fix this issue, and then we come back home and we fix and fund and implement education reform and funding for education and funding for health for young children and young students all over the country, and let us get ready to go to battle in the 21st century with healthy, educated kids who have an opportunity at schools all over the country, with access to the arts and speech and debate and drama and music and foreign languages.

We can do it, but we have got to make it a priority and we have got to make it a goal. And this all starts, Mr. Speaker, with making sure the Chinese, if they want to participate in the global economy, they do it in a fair way. They agreed to play fair, and now they are cheating.

This body is primed to act, and we are going to act. It is going to start with facing down the currency manipulation problem and not allowing the Chinese to cheat to the tune of 40 cents on the dollar.

CONSTITUTIONAL GUIDELINES FOR SUPREME COURT DECISIONS

The SPEAKER pro tempore (Mr. JINDAL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE. Mr. Speaker, ''I solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and I will faithfully discharge the duties of the office of which I am about to enter, so help me God.''

Mr. Speaker, this is the judicial oath that justices of the United States Supreme Court take to uphold America's Constitution, the sacred manuscript our Nation was established upon, the foundation of who we are.

Yet, Mr. Speaker, some of the same justices who preside over the highest court in our land are systematically unraveling the threads of the very Constitution they vowed to protect. In what amounts to a most disturbing development, the United States Supreme Court continues to flirt with the temptations of foreign court decisions and the lure of opinions of international organizations. They do this in the interpretation of our American Constitution.

Mr. Speaker, this trend is terribly troubling. Has the Supreme Court lost its way?

As a former Texas judge for over 22 years, having heard 25,000 criminal cases, I took the same oath as our Supreme Court justices, to uphold the United States Constitution. Never once did I make a decision based upon the way they do things in other countries. My oath was to our Constitution, not to the Constitution of the member countries of the European Union, such as France. America should not confer with the decisions of any of the hundreds of foreign powers on our planet. As Anthony Scalia, our justice on the Supreme Court has said, ''those decisions are irrelevant in the United States.''

In 1776, amidst a revolution, our forefathers signed the Declaration of Independence which stated brazenly and boldly the 13 colonies desire to dissolve political bonds with England. In this document, Mr. Speaker, Thomas Jefferson penned among the list of grievances against King George the following statement: He said of King George, ''He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws.''

Mr. Speaker, 10,000 to 14,000 patriots over the course of 8 years in the American War of Independence spilled their blood or died to secure liberty for us and safeguard our constitutional rights.

□ 2200

The purpose was to sever ties with England forever. Then, in 1812, the British invaded the United States again. The British still wanted America to be subject to the King and their ways. They burned this very city, including our Capitol. President Madison and his wife, Dolly, fled Washington, D.C. in the damp darkness of the dreadful night to escape the invaders. The British were determined to retake this free Nation of America and this very soil on which I stand today. Americans defeated the British a second time to make them understand that we will not do things the English way.

Now, justices in this land of America, across the street from this very Capitol, use British court decisions and European thought in interpreting our Constitution. What the British could not accomplish by force, our Supreme Court has surrendered to them voluntarily. Has the Supreme Court handed over our sovereign Constitution to other nations? Mr. Speaker, has the Supreme Court lost its way?

The Constitution is the basis for who we are, what we believe, and what our values are. My colleagues will notice, Mr. Speaker, the oath our judges take is to the Constitution; not to the government, not to the President. It is to the Constitution. That is because the Constitution is the supreme authority of the land. It is our identity. It is our path to justice for all Americans.

The Framers of the Constitution made clear their vision for the Federal judiciary. Named in Article III behind both of the other branches of government, the Founders intended a court system with a narrow scope and restricted authority. As Alexander Hamilton explained in one of the Federalist Papers, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution, because it will be the least in its capacity to annoy or injure them. He states that the judicial branch is, beyond comparison, the weakest of the three departments of power.

Mr. Hamilton continued in his Federalist Papers, the executive dispenses the honors, holds the sword of the community. The legislature commands the purchases, prescribes the rules by which the duties and the rights of every citizen are regulated. The judiciary, on the contrary, has no influence over either the sword or the purchases, no discretion, either of the strength or the wealth of the society, and can take no active resolution whatsoever. It may truly be said to have neither force nor will, but just judgment.

Mr. Hamilton was wrong. History now reveals that the Supreme Court has become the most powerful of all the branches of government, although it was intended to be the weakest. And the people of this country cannot hold them accountable for their actions. Nonetheless, Mr. Speaker, an alarming number of judges deem the Constitution a bendable document, more like a catalog of suggestions rather than the rule of law; a set of elastic principles which, at the end of the day, can be easily interchanged with the judge's own personal policy and emotional agenda. As one author on the topic of our judges has put it, they see their role limited only by the boundaries of their imaginations.

And in the case of consulting foreign statutes to determine rulings here in the United States, a majority of our nine Supreme Court Justices even encourage it. Justice Sandra Day O'Connor, for example, has said that although international law and the law of other nations are rarely binding on decisions in the United States and its

courts, conclusions reached by other countries and by the international community should, at times, constitute persuasive authority in American courts.

Well, Mr. Speaker, if they are rarely binding, who decides when they are binding? Is this arbitrary justice? My question is, when do foreign court decisions matter, and when do they not matter? Do our judges pick and choose foreign decisions that they like and ignore those they personally do not like? Do they pick and choose to get a desired result?

Mr. Speaker, this is constitutional chaos. In one of her books where she shares her reflections on being a Supreme Court Justice, she goes on to say that she believes American judges and lawyers can benefit from broadening their horizons. I know from my experience, she says, at the Supreme Court that we often have much to learn from other jurisdictions. We Supreme Court Justices will find ourselves looking more frequently to decisions of constitutional courts, especially common law courts that have struggled with the same constitutional questions that we have. International law is no longer a specialty; it is vital if judges are to faithfully discharge their duties.

Mr. Speaker, all judges, all lawyers in the United States take oaths to faithfully discharge their duties to the United States Constitution. None of us took an oath to faithfully discharge international law and the duty to international law. Has the Supreme Court, Mr. Speaker, lost its way?

Another judge on our Supreme Court, Justice Ginsberg, also subscribes to the importance of international jurisprudence on the Court. She thinks the premise is wrong that you only look to your friends. She has asked why, if judges are free to consult commentary, restatements, treaties, writings of law professors, law students and law reviews, they should not analyze an opinion from, get this, the Supreme Court of Canada, the Constitutional Court of South Africa, the German Constitutional Court, or the European Court of Human Rights. In her view, the United States judiciary will be poor if we do not both share our experience with and learn from legal systems with values and a commitment to democracy similar to our own.

On a C–SPAN broadcast last month, another Justice, sympathetic to the use of international law and foreign court decisions, indicated that the Supreme Court is faced with more and more cases in which the laws of other countries apply. Where there is disagreement is how to use the law of other nations where we have some of those very open-ended interpretations of the word ''liberty,'' and interpretations of the phrase ''cruel and unusual punishment.'' This Justice believes it is appropriate in some instances to look to how other foreign courts may have decided similar issues. I ask, Mr. Speaker, what difference does it make how they do things in lands far, far away?

In 2002, Justice Paul Stevens in Thompson v. Oklahoma raised global norms regarding a particular type of punishment in his opinions. He states the conclusion that it would offend civilized standards of decency to execute a person who was less than 16 years of age at the time of his or her offense is consistent with the views that have been expressed by respected professional organizations, by other nations that share Anglo-American heritage, by leading members of the Western European Community, the American Bar Association, the American Law Institute, who have all formally expressed opposition to the death penalty for juveniles.

Although the death penalty has not been entirely abolished, he says, in the United Kingdom or New Zealand, in neither of these countries may a juvenile be executed. The death penalty has been abolished in West Germany, France, Portugal, the Netherlands, and all Scandinavian countries, and is available only for exceptional crimes such as treason in Canada, Italy, Spain, and Switzerland. He concludes by saying, juvenile executions are also prohibited in the Soviet Union.

Mr. Speaker, regardless of how we feel about the execution of juveniles, the question, Mr. Speaker, is not what they do in the Soviet Union, but what does the United States Constitution say about this issue. Has the Supreme Court, once again, lost its way?

The same year, in Atkins v. Virginia, the Court once again looked to foreign courts; and while only 13 years earlier our Supreme Court decided that decisions of foreign courts were not to enter into the determination of sentencing in the United States, the Supreme Court did the judicial flip-flop. Justice Stevens concluded in this case that there is a national consensus in reaching his opinion. Does this mean the end justifies the means?

In the footnotes explaining his decision, the Justices indicated they looked to briefs filed by religious groups, psychologists, polling data, and a brief offered by the European Union, a brief that was used eventually as blanket consensus, the voice of the global community at large. Well, what about the Constitution? Why not use the Constitution as our guide and only guide in making decisions by the Supreme Court?

But, Mr. Speaker, perhaps the most egregious perpetrator of citing foreign court opinions is Justice Kennedy. Mr. Kennedy continues to write decisions hardly based on the Constitution, but on international law. Which law is he beholden to? Is the Constitution not sufficient for him? In 2003, in a high-profile case involving my home State of Texas, the case of Lawrence v. Texas, Justice Kennedy referred to international standards in the Court's consideration of Texas laws. Revealing the Court's reliance on the views of a wider civilization, the majority opinion was inspired by previous rulings of the European Court of Human Rights. Well, who put the European Court of Human Rights in charge of us?

This year, in March, Roper v. Simmons, writing for a 5–4 majority, Supreme Court Justice Kennedy wrote, we have established the propriety and affirmed the necessity of referring to the evolving standards of decency that mark the progress of a maturing society to determine what punishments are so disproportionate as to be cruel and unusual. In making this decision, the majority judges looked to foreign lands to interpret what cruel and unusual means in our Constitution. In dissenting, Justice Scalia, Chief Justice William Rehnquist, and Justice Thomas, on the other hand, said they do not believe that approval of other nations and people should buttress our commitment to American principles any more than disapproval by other nations and people should weaken that commitment.

Mr. Speaker, I realize the Constitution is an old document, well over 200 years; but this idea of ''evolving standards of decency'' is simply ridiculous. Values are timeless. American values are timeless. American standards are timeless, and they are in the Constitution.

The list of decisions against our Constitution, Mr. Speaker, is a deep cavern of vile destruction. Other verdicts handed down by the Supreme Court include citations of legal opinions from foreign courts in Jamaica, India, and the ultimate beacon of justice, Zimbabwe. Mr. Speaker, has the Supreme Court lost its way?

Let me give my colleagues an analogy. If, as a judge, I had a thief, a shoplifter appear before me who had stolen many times before and I ordered that his hand be chopped off in the public square, I suspect his attorney would object, saying, this violates the constitutional provision of cruel and unusual punishment in the eighth amendment. While the attorney would be correct based upon our Constitution, my response could well be, well, Mr. Lawyer, they chop hands off in other countries for this type of crime, so since other countries do it and they find it logical, I will accept these foreign courts in making my decisions.

Mr. Speaker, in Texas, I would have been removed from the bench for such nonsense. So why do we tolerate our Supreme Court using this same rationale going to foreign courts in their decisionmaking?

Mr. Speaker, these controversial decisions that have emerged from our Supreme Court have prompted a growing contingent of former judges in this body to join me in signing a letter to the Senate Committee on the Judiciary. I, along with my fellow gentlemen from Texas, (Mr. CARTER) (Mr. HALL) (Mr. GOHMERT), as well as the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Alabama (Mr.

ADERHOLT), all former judges in their respective States, have urged our Senate colleagues to consider a nominee's allegiance to the United States Constitution and the sovereignty of the United States when imparting their advice and consent role in the Presidential appointment process in our Senate.

When any court in the United States, Mr. Speaker, begins to permit foreign sentiments to ooze into its rulings and opinions, it dangerously weakens our sovereignty. These irresponsible allowances erode our unique political identity and the sound traditions upon which American law is established. From the mere founding of our country, our laws and courts have respected and honored the sovereignty of the United States and the supremacy of our Constitution.

My colleagues will notice, Mr. Speaker, I am not discussing or criticizing the results of the Supreme Court decisions and their holdings.

□ 2215

I have been careful not to comment on the results of these numerous cases where the Supreme Court reaches out to foreign courts to make their decision. While somewhat relevant, since these decisions are the law of the land, the complaint is the process and method by which the Supreme Court makes decisions. The use of foreign courts, emotions, personal opinions, result-oriented decisions, personal agendas, feelings and the opinions of focus groups is, as Justice Scalia says, totally irrelevant. The only thing that matters is the Constitution.

Unfortunately, we now seem to have some jurists in our Supreme Court who have lost their way, their balance. They have forsaken the process founded by our forefathers. They are disregarding boundaries etched into the foundation of our Constitution.

Justice Scalia may be one of the last strongholds we have against judicial tyranny in today's Supreme Court. He understands the importance in honoring the original meaning of the constitution, that it is the supreme law of the land. He rightly maintains that foreign pronouncements are totally irrelevant when it comes to our courts and our Supreme Court in making their decisions.

Mr. Speaker, this is not a partisan issue. It is an issue of who will stand with the Constitution and who will stand with foreign courts.

I urge my colleagues in both chambers to support measures that aim to curb the way our Supreme Court makes its decisions, that they should be responsible to the Constitution of the United States.

As Thomas Jefferson, author of the Declaration of Independence, warned in an August 18, 1821, letter to a friend, Charles Hammond, a lawyer who argued before the Supreme Court, he says, that is Mr. Jefferson: The germ of dissolution of our Federal Government is in the Federal judiciary, working like gravity by night and day, gaining a little today, a little tomorrow, advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped.

Mr. Jefferson was a prophet of what has become judicial anarchy. Some northeastern legal scholars, intellectual elites that sit in cigar-filled rooms agree with the ultimate decisions of the Supreme Court justices, justices that use these foreign laws, because they like the results.

But I warn these folks, the Supreme Court may not always make decisions you agree with, and they may betray you by ignoring the Constitution and citing foreign laws that create a different result than you wish. Then you will cry: Return to the Constitution; return to our sacred scripture. When your cries are made to our courts, you may too find no one is listening.

As guardians of the Constitution, Mr. Speaker, as champions of the separation of power, as accountants of the system of checks and balances, as the stewards of this legislative branch, we must implore our judiciary, our Supreme Court justices to reject the seduction of comparable side glances as they interpret the laws of this land.

I ask the Supreme Court to come back home, home to the Constitution and reject the lustful temptation of foreign countries and their laws.

I yield to the gentleman from Iowa (Mr. KING) such time as he must desire to speak on this very issue.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas (Mr. POE), the judge, for the opportunity to say a few words about the future of this country, the history of this country and our beloved Constitution, and appreciate this opportunity to be here on this floor tonight.

As I watched the development here and the transition of history, and I am 55 years into this life, a little over a half a century, and I was raised with a deep and abiding love and respect for our Constitution and for the rule of law, the fact that a law existed meant that the judgment of the people had spoken. And according to the strong directive of my father, I was to then adhere to that law and adhere to that Constitution. And if I did not like the language that was there and the intent of the Constitution or the law, it was my job to step forward as a citizen of the United States and seek to change it; not to ignore it, not to amend it in a fashion that did not have the will of the people in support of it.

And so, today, Mr. Speaker, we have gone to this point where I look back upon this transition, this transition that has taken place over the 55 years of my life and the 45 or so years that I have paid attention to what is going on in the United States of America, and I have watched a dramatic transition take place within the judicial branch of government.

And I want to acknowledge at the beginning of this discussion, the gentleman from Texas (Mr. POE) will know this, that I had the privilege to sit down and have lunch with a group of Supreme Court justices today, and I very much appreciate them and the other justices that joined them. It was a very, very good gesture on their part to reach out and open up a dialogue and give us an opportunity to speak about and discuss the disagreements that we have between the legislative branch and the judicial branch of government.

It is a natural tension that exists between these three branches of government, and this legislative branch of government, which clearly has its duties to write the laws; the executive branch of government which has its duties to execute those laws, enforce those laws; and the judicial branch of government whose job it is to interpret the laws, interpret the Constitution. It is a natural tension that exists, and it will go on as long as this is a great country. And it is a great country.

And I want to compliment the justices of the Supreme Court for being part of this effort to open the dialogue and give us an opportunity to discuss our differences. And I look forward to those opportunities to continue to sit down and have those discussions, and I will take advantage of that.

But I have to say here tonight that I have watched a transition over the last 55 years or so of my lifetime. And I would go back to a case that would be about 1963, Murray v. Curlett, and that was the case when Madeline Murray O'Hare became the most hated woman in America, and she successfully went to the United States Supreme Court and removed prayer from the public schools.

That, Mr. Speaker, I believe started us down the path, down the path of bowing to the judicial branch of government, maybe the last time that the American public really questioned and challenged the decisions that were made over across the street in the Supreme Court building.

This country has accepted those decisions because they believe that they do not understand the Constitution well enough to second guess a judge, and they do not understand the letter or the congressional intent of the law well enough to second guess a judge's decision to overturn the clear directive and intent of Congress. That has happened time after time after time.

And we have seen justice after justice reach out into foreign law, reach into foreign law to find a conclusion that suits their intent and their belief of how this country ought to be shaped and how it ought to be formed. Murray v. Curlett, prayer out of the public, schools started us down a slippery slope, a fast and slippery slide down into an abyss which I do not know how we swim out of it.

And I asked this question, and I have asked it of the Chief Justice directly, and that is, in case after case after case, we have seen decisions made by

which we cannot recognize the Constitution any longer. One of those cases would be the affirmative action cases that were before the Supreme Court I believe it was a year ago last April 19. And in those cases, I sat and listened to that. I went to hear profound constitutional arguments. And where would you go in the world to hear profound constitutional arguments except in the chambers of the United States Supreme Court? There is no higher calling and no higher standard for constitutional arguments.

And yet as I listened that day, I heard one, one constitutional argument, actually relatively profound. The case had to do with affirmative action. Chief Justice Scalia asked the question of the Michigan attorneys: If we rule against you and it results in one minority in your school, 100 percent minorities in your school or no minorities in your school, what possible constitutional difference can that make?

Now, the answer was long. But it was not clear. The question is clear to me. He directed that question directly back to the Constitution, which is where the entire oral argument should have focused. And yet it happens less and less as I hear these arguments before the Supreme Court because there is an entire industry that has been built up on trying to analyze the particular personal viewpoints of each of the justices. There is quite a history there to analyze, and quite an industry that has been built up around that.

But the arguments that go to the Constitution itself are ever diminished year by year, case by case, to the point where I believe that the courts have, because of stare decisis, because of the belief that once a decision is made, they should honor that decision of the previous court, not overturn the decision of the previous court. I could name you exceptions.

Stare decisis says that the Supreme Court is painting themselves into a legal corner. And on the other side of that room is the doorway back to the Constitution. But unless that paint dries, they cannot get back out the door. And as long as they respect stare decisis, this respect for a decision that is made by the previous decision of the court, the paint never dries, and they are trapped further and further into a corner that prohibits them from going back to the Constitution.

And so if you cannot get back to the Constitution, on what do you base your decisions? Well, foreign law. Foreign law is a nice and convenient decision that can be made. I have a list of some of these here, Mr. Speaker, and it is quite an interesting list. Justice Breyer, in his dissent, and I always give credit for dissent, Knight v. Florida 1999, A growing number of courts outside the United States courts that accept or assume the lawfulness of the death penalty have held that lengthy delay in administering a lawful death penalty renders ultimate execution inhuman, degrading or unusually cruel.

Sounds a lot like some of the language in our Constitution. But how could a lengthy delay in administering a death penalty change the ultimate result of that?

If locking someone up in prison for an extended period of time is cruel and inhuman, then would we not have to then release everyone that is in our prisons?

And in the case of Pratt v. Attorney General of Jamaica, for example, the privy council considered whether Jamaica lawfully could execute two prisoners held for 14 years after sentencing. The council noted that Jamaican law authorized the death penalty, and the United Nations Committee on Human Rights has written that capital punishment is not, per se, unlawful under the human rights covenant; Jamaican law, the United Nation's Committee on Human Rights.

And then the Supreme Court of India has held that an appellate court which itself has authority to sentence must take account of delay when deciding whether to impose the death penalty. This cited by the Supreme Court of the United States, Jamaican law, European, United Nations Committee on Human Rights, Indian law, the Supreme Court of Zimbabwe, and I quote, the Supreme Court of Zimbabwe, after surveying holdings of many foreign courts concluded that delays of 5 and 6 years were inordinate and constituted torture or inhumane or degrading punishment or other such treatment. Reference to the Zimbabwe law.

This proclivity for citing foreign law, when there is a clear directive to adhere to the Constitution and we have nothing else that directs us as Members of Congress as Members, of the executive branch who are sworn in or as Members of the United States Supreme Court, we take the same oath to the Constitution of the United States. And this Constitution is written and drafted and ratified by the people of this country. We shall never have another.

There is not another circumstance in history that could be reconstructed by anyone in this Chamber, by anyone in this city or anyone in this country that I know that could go back and say, well, if we lost this Constitution, we would just construct another one. We would find a way to get together in the blue zones and in the red zones of America, and we would draft up a Constitution that was living and breathing, and it would be a document that better fit the day of our age, and it would be something that would protect the interests of the minority against the tyranny of the majority, or the rights of the minority against the will of the majority. By the way, what protects the constitutional rights of the majority against the whims of the court?

And so, today, we have gone in my lifetime from a belief that this foundational document of the Constitution, which I carry in my pocket every single day, this Constitution that I believe is our covenant with our Founding Fathers, our guarantee of rights and our guarantee of freedom, that clearly spells out the responsibilities of each branch of government.

And, by the way, you can read this document through and through and through again. There is nothing in there that says separate but equal branches of government. It clearly lays out the responsibilities of each branch of government and, when read, gives the Congress the responsibility to be the final decision-maker on the courts themselves.

And so, Mr. Speaker, I propose that we, as a Congress, have an obligation, an obligation to defend this Constitution, an obligation to speak our minds when we disagree with the decisions of the court, but make a logical and a rational and a constitutional argument for our side, and call upon the Chief Justice and the Supreme Court to adhere to this Constitution, to adhere to their oath of office, to adhere to the laws of this land and to reject the directive that they might think they get when they travel to other lands, that intercedes with other ideas, other concepts, other cultures.

We separated ourselves from Great Britain for a good reason 200 and some years ago, and it was because we did not want to be Western Europe, and we did not want to be Jamaica, and we did not want to be Zimbabwe. We want to be a nation of free people, free people governed by a Constitution that a free people have ratified, not governed by foreign law.

And what is predictable about this foreign law? How can a citizen of this country aspire to move forward and invest capital and invest time and effort and build this future and be a good citizen of the United States of America when they do not know when a decision might come down from the Supreme Court that says, oops, there was a law over here in Zimbabwe; maybe there was a law in Ghana. Maybe there was a law in Costa Rica. Maybe there was a law in Russia, Israel, Belarus, anywhere.

□ 2230

How can we have predictability in our Constitution and our law if the courts can cite whatever, as the judge from Texas said, whatever might suit their whim of the moment?

So I believe we have to adhere back to this Constitution because we have migrated from its meaning. And even though the courts found in Murray v. Curlett that there was this separation of the church and State that was created there, took prayer out of the public schools. And by the way, I do not believe the Constitution calls for that for a minute. Once that decision was made and the letter of the Constitution and the intent of the Founding Fathers was ignored and we began to migrate away from the Constitution itself, we started down that slippery slope.

So is this Constitution what our Founding Fathers believed it should

be? Did the Framers draft this Constitution to protect the rights of the minority against the will of the majority, protect the rights of humanity against all forces whatsoever? They believed that this constitutional framework was for the gentleman and for me and for everyone in this country. But it has changed. And there are a number of people, in fact, I believe a growing number of people, that believe this Constitution no longer means what it says; that it is a living, breathing document, that nine Justices, a majority of nine Justices, five of them unaccountable to the people, should direct this society and this civilization.

But it is the vision of our Founding Fathers that those elected by the people should direct this examination and that the Judges should be ruling upon the letter and the intent of the Constitution, the letter and the intent of the law. And that is as far as it goes.

If this Constitution does not mean what it says, then what purpose does it have? It is either a living, breathing document that is flexible and can be malleable and can be shaped by any Justice that happens to have the good fortune to be appointed to the bench, or those words written on this document in my jacket are sacred and they are meant to be amended only by the people then whose description is in the Constitution itself.

It is a living, breathing document or we are originalists that believe in the original intent of this Constitution. If it is changed, if it is not, what it says, it means, then what does, Mr. Speaker, protect the rights of the minority against the will of the majority? What protects all of our rights as citizens? What preserves this great country if it can be shaped by the whim of the Judges?

This Constitution is either what I believe it is, and that is not a living, breathing document, but a document that is fixed for all time unless we amend it. And if it is not that, then the courts have turned it into an artifact of history, just a transitional document to get us from 1789 until today, where we could turn over the future of this country to the people in the robes that make those decisions. And if we do that, then we might as well board this place up and hand it over to the courts for their staff because there will not be any function for this legislature any longer.

I thank the gentleman for yielding to me. I appreciate the gentleman's contribution to this cause.

Mr. POE. Mr. Speaker, I want to thank the gentleman from Iowa (Mr. KING) for his dedication to the Constitution, to making sure that the Members of this body are committed to that and reminding the Supreme Court that they have an obligation to that Constitution.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GOHMERT), a former judge, a former appellate judge from east Texas. The east Texas folks kind of think maybe a little differently than the Supreme Court does on using foreign law to make decisions that are binding on the rest of us. I yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I thank the gentleman from Texas (Mr. POE), the former judge from Houston.

I thank the gentleman from Iowa (Mr. KING). I thought those were very profound comments.

Mr. Speaker, I heard the gentleman from Texas (Mr. POE) mention something earlier and this was also touched on by the gentleman from Iowa (Mr. KING), but regarding the beginning of this Nation and how we had separated ourselves from Europe, particularly in the War For Independence that began with the 1776 Declaration of Independence and how we won that war and we separated ourselves. And then of course the Articles of Confederation did not work, and then 1789 we did have this wonderful Constitution.

I had also heard the gentleman say we won yet again, the battle with the British in the War of 1812. As the gentleman mentioned, here where we are standing and actually back in Statuary Hall as it is now, that was the old House Chamber and the British came up and they burned it, and actually the middle part burned. It was wooden. And the gentleman mentioned that we had defeated them. We ran them out after they burned much of Washington. I would like to expand on that.

I had thought, an old history major like me, I thought our American forces rallied and drove the British out in 1814 after they burned much of the town. But apparently the American forces were in such disarray they were in no situation where they could have allied and defeated the British at that time. We had some help at that point.

It turns out the night they set what is now Statuary Hall and the old Senate Chamber on fire, there was a big rain storm that came that put out the fire that kept the fire from completely destroying the building which left enough that they could work from afterward.

It was not American troops the next day and after that drove the British troops out. But as it turns out there was an incredible wind storm that arose. And it was of such force and such magnitude, it is given credit for killing 30 British troops. It knocked British cannons off their mounts. It created a great deal of confusion. It played a part in the accidental explosion of the British gunpowder statutes. It created such chaos the British fled on their own because of those acts of nature.

Well, as you know, insurance companies would call those acts of God, and I would tend to agree with them. Those were acts of God. I would like to think the Americans rallied. They could not do it. There was a higher power involved. But when we look at this issue, the gentleman took the oath to the Constitution. I took an oath to support and defend the Constitution. I took that same oath when I went into the United States Army. I spent 4 years on active duty.

It is worth noting in a letter to Abigail Adams dated September 11, 1804, Thomas Jefferson was very concerned after the decision in Marbury v. Madison; he cautioned that judicial review would lead to a form of despotism. Judicial review is not a power explicitly granted in the U.S. Constitution. But in Marbury v. Madison, the court inferred this power based on the fact that Constitution is the supreme law of the land. But judges should always remember that the Constitution itself is the supreme law of this land and that each judge should never forget their oath to uphold the supreme law of the land and not be citing the law from other jurisdictions, from other lands that have nothing to do with our Constitution.

I tell you that Justice Scalia is an amazing intellect. In the Roper v. Simmons case, I do not take issue here with the outcome of the case, but for our purposes I would like to take issue and I think it is critical we take issue with the methodology in arriving at their opinion. And Justice Scalia did that in his dissent on behalf of himself and Chief Justice Rehnquist and also Justice Thomas.

He said this, this is just an excerpt, ''In urging approval of a Constitution that gave life tenured judges the power to nullify laws enacted by the people's representative, Alexander Hamilton assured the citizens of New York that there was little risk in this since 'the judiciary has neither force nor will but merely judgment.' ''

That is from the Federalist No. 78, page 465.

Hamilton had in mind a traditional judiciary ''bound down by strict rules and precedents which served to define and point their duty in every particular case that comes before them.''

Bound down indeed, says Scalia. What a mockery today's opinion makes of Hamilton's expectation, announcing the Court's conclusion that the meaning of our Constitution has changed over the past 15 years. Not, mind you, that this Court's decision 15 years ago was wrong, but that the Constitution has changed.

The Court reaches this implausible result by purporting to revert not to the original meaning of either amendment, but to ''the evolved standards of decency'' of our national society.

It then finds, and this is Scalia still talking, it then finds on a flimsiest of grounds that a national consensus which could not be perceived in our people's laws barely 15 years ago now solidly exists. Worst still, the Court says in so many words that what our people's laws say about the issue does not in the last analysis matter. This is Scalia still quoting:

''In the end our own judgment will be brought to bear on the question of acceptability of the death penalty under the eighth amendment.''

Now, the Court has thus proclaimed itself the sole arbiter of our Nation's moral standards, and in the course of discharging that awesome responsibility, purports to take guidance from the views of foreign courts and legislatures. Because I do not believe that the meaning of our eighth amendment, any more than the meaning of other provisions of our Constitution should be determined by the subjective views of five members of this Court and like-minded foreigners, I dissent.

This is Justice Scalia.

Similarly, in Roper, Justice O'Connor called on the Court to substitute basically its own moral judgment for ''the judgment of the nations' legislatures.''

The majority, however, persists in imposing its will on the States and backs its decision up by citing the mandates of foreign legislatures.

The usurpation of the voice of the people began roughly with New York v. Lochner, and the word Lochnerization has since been used to describe cases in which the judiciary overrides the democratic law-making authority and imposes its own morality, or in some cases lack of morality, on the people.

Lochner was a 1905 case that has since been overruled; but in this case, the Supreme Court told the New York legislature it could not regulate certain items.

So this usurpation continued with Roe v. Wade and again most recently in Lawrence v. Texas.

Now, as the gentleman from Iowa (Mr. KING) had mentioned, there was a very nice lunch today. And the Supreme Court was very gracious in reaching out and having members of the Committee on the Judiciary. There were Senators. There were some of us from the House Committee on the Judiciary. There was a few staff members. And we heard from Justice Stevens, Justice O'Connor, Justice Breyer, Justice Kennedy and Justice Souter.

I would say those are very, very hard-working, well-meaning Justices. But good intentions are not enough. We know from history itself when we think about the words ''this means peace in our time,'' Chamberlain had the best of intentions. He meant well. He thought he was doing what was best for the world, and what he was doing was giving homage and helping a tyrant like Hitler. And so good intentions simply are not enough.

□ 2245

That oath must be upheld. So that is why I do take issue with the rationale in these cases. These are fine judges, but they have gone astray when they venture out beyond their oath and neglect that from which they have sworn to uphold.

If I might, one of the most frustrating things in this body has been the way people can play fast and loose with what is real, absolute truth. The Constitution is truth. The Constitution does not change. It should not just go flittering here and there, depending on the whims of the Court.

Just like I heard prior to us coming in, the prior presentation about Social Security, and I could not help but note when there was talk of, well, in 2017 these old Republicans, they are talking about it is going bankrupt, and that is just all a facade of sorts, basically paraphrasing. Then the words were said, but it is actually in 2017 when there is more cash going out than comes in. We fall back on these trillions of dollars that are in cash bonds that will continue to earn interest. Cash sounds like there is cash there. There is nothing there. There are IOUs. There are Federal IOUs, and to say they will continue to draw interest, they stick more IOUs in there and say there is your interest. That is just so disingenuous. It is so misleading, and even though I really believe those people saying those things have the best of intentions, they are doing great harm to the Nation by misleading.

In the same way, the Court has the best of intentions. They mean well. They think they are doing this great service. They go to the different seminars and they speak in different places, and they hear these different things from other people who maybe look down on our laws for this or our laws for that. That has nothing to do with our Constitution.

I really appreciate the gentleman from Texas (Mr. POE) yielding to me to say some of these things that are so overwhelming in my heart and soul, as I look to the days ahead. I know they trouble my colleague greatly and I know that both of us came from the same school, if you are going to legislate, by golly, take off the robe, come off the bench, run for the legislature and if, God willing, you get elected, then you can come legislate. I agreed with you on that. We did the same thing. We are here, and hopefully America will help bring the justices back to reality, and the reality is they took an oath to support and defend the Constitution.

So I appreciate that time, and let me just say, there has been a lot of misleading information saying that some people, by their comments, they are doing great harm and inciting violence. I tell you what, as a judge I know you were tough and I was, too. Anybody that threatens, attempts to use force, attempts to use violence of any kind, they need to go to prison when it comes to our courts.

That is why we are pushing the bill to make the sentences even tougher for anybody that is involved in that, but by golly, our Constitution promised us that First Amendment right to freedom of speech. Neither the Supreme Court nor anybody else should restrict what the Constitution and the Bill of Rights has granted to us. God willing, they will not and America will not let them do it in a nonviolent way.

I thank the gentleman for yielding.

Mr. POE. Mr. Speaker, I want to thank the gentleman from Texas (Mr. GOHMERT) for his kind words and for his insight into this important issue.

Mr. Speaker, as most Americans go about being concerned about jobs, Social Security, the environment, health care, crime, outsourcing, all of those things are important. Many of those issues will eventually end up in our courts. Some of those cases will find their way to the Supreme Court, and while this issue is somewhat complex, it is not that difficult to understand.

The Constitution is the Bible for our democracy. Words mean something, Mr. Speaker, and the words of the Constitution are words that we must live by, that we must stand by and that we must defend.

I hope that most Americans, regardless of who they are, what their political beliefs are, understand that our Constitution came about because of sacrifices of Americans, many of whom we will never know the names of, that fought first in the War of Independence and numerous wars after that, because we are a unique land, Mr. Speaker. We are a unique people, Mr. Speaker, and the pinnacle of our uniqueness is the Constitution of the United States.

Every public official in this country, school board members, police officers, city councilmen, firefighters, members of the State legislatures, judges throughout our entire Nation and Members of this body took an oath to uphold and defend the Constitution of the United States. That is who our oath and our allegiance is made to, and all we are asking, Mr. Speaker, is that the Supreme Court come back home, follow their oath, be beholden to the United States Constitution and not to foreign countries.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today and the balance of the week on account of a family medical emergency.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today and May 11 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise

and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today and May 11 and 12.

Ms. FOXX, for 5 minutes, May 11.

Mr. GUTKNECHT, for 5 minutes, May 16 and 17.

Mr. GINGREY, for 5 minutes, May 11.

Mr. OSBORNE, for 5 minutes, May 11.

Mr. BURTON of Indiana, for 5 minutes, today and May 11 and 12.

Mr. PRICE of Georgia, for 5 minutes, May 11 and 12.

Mr. MCHENRY, for 5 minutes, May 11, 12, and 13.

Mr. JONES of North Carolina, for 5 minutes, today and May 11 and 12.

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. 148. An act to establish a United States Boxing Commission to administer the Act, and for other purposes; to the Committee on Education and the Workforce; in addition to the Committee on Energy and Commerce for a period to the subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. POE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 11, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1911. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Removal of Regulated Areas [Docket No. 05-011-1] received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1912. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — West Indian Fruit Fly; Regulated Articles [Docket No. 04-127-1] received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1913. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; California [Docket No. 05-010-1] received April 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1914. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Commuted Traveltime [Docket No. 04-108-1] received April 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1915. A letter from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule — Export Inspection and Weighing Waiver for High Quality Specialty Grains Transported in Containers (RIN: 0580-AA87) received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1916. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2005-2006 Marketing Year [Docket No. FV05-985-1 FR] received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1917. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Fluid Milk Promotion Order [Docket No. DA-04-04] received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1918. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Beef Promotion and Research; Reapportionment [Docket No. LS-04-09] received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1919. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Tobacco Transition Payment Program (RIN: 0560-AH30) received April 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1920. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting in accordance with the provisions of Section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017), Section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), and Section 108 of the Inspector General Act of 1988 (31 U.S.C. 105(a)(25)), proposed legislation which authorizes appropriations for FY 2006; to the Committee on Energy and Commerce.

1921. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 096-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1922. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Iraq (Transmittal No. DDTC 001-05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1923. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1924. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1925. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1926. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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1928. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1929. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1930. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1931. A letter from the Director of Government Affairs, National Endowment for the Arts, transmitting a report documenting the Endowment's FY 2004 usage of Category Rating Human Rescource flexibility, pursuant to 5 U.S.C. 3319(d); to the Committee on Government Reform.

1932. A letter from the Chief Executive Officer, Neighborhood Reinvestment Corporation, transmitting the FY 2004 Annual Program Performance Report, prepared in accordance with the provisions of The Government Performance and Results Act of 1993; to the Committee on Government Reform.

1933. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Upper Mississippi River, Fort Madison, Iowa [CGD08-05-018] (RIN: 1625-AA09) received May 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1934. A letter from the Deputy Assistant Counsel, Department of Transportation, transmitting the Department's final rule — Use of Locomotive Horns at Highway-Rail Grade Crossings [Docket No. FRA-1999-6439, Notice No. 16] (RIN: 2130-AA71) received April 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1935. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Frivolous Arguments regarding Waiver of Social Security Benefits Used to Avoid Tax (Rev. Rul. 2005-17) received March 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1936. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-23) received March 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1937. A letter from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Time and Manner of Making Section 163(d)(4)(B) Election to Treat Qualified Dividend Income as Investment Income [TD 9191] (RIN: 1545-BD16) received March 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1037. A bill to make technical corrections to title 17, United States Code (Rept. 109–75). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 268. Resolution providing for consideration of the bill (H.R. 1279) to amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes (Rept. 109–76). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 269. Resolution providing for the consideration of the bill (H.R. 1544) to provide faster and smarter funding for first responders, and for other purposes (Rept. 109–77). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOYER:

H.R. 2207. A bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MANZULLO:

H.R. 2208. A bill to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and 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. MCINTYRE:

H.R. 2209. A bill to require the Secretary of Agriculture to prepare an annual report specifying the number of permanent and temporary non-Federal employees for local offices of the Farm Service Agency that will be needed to efficiently and effectively handle the workload generated by recurring and anticipated agriculture programs administered by the Farm Service Agency and the funding levels necessary to support such workforce, and for other purposes; to the Committee on Agriculture.

By Mr. BACA (for himself, Mr. CLEAVER, and Mr. BROWN of Ohio):

H.R. 2210. A bill to require combination 3-point safety belts on certain school buses, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CAPUANO (for himself, Mr. SESSIONS, Mr. BASS, Mr. BRADLEY of New Hampshire, Mr. FRANK of Massachusetts, Mr. LYNCH, Mr. MCGOVERN, Mr. MANZULLO, Mr. MEEHAN, Mr. MICHAUD, Mr. NEAL of Massachusetts, and Mr. PASCRELL):

H.R. 2211. A bill to limit liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for service station dealers with respect to the release or threatened release of recycled oil; to the Committee on Energy and Commerce, 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. COBLE:

H.R. 2212. A bill to extend the temporary suspension of duty on Trinexapac-Ethyl; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2213. A bill to suspend temporarily the duty on formulations of Prosulfuron; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2214. A bill to suspend temporarily the duty on formulations of triasulfuron and dicamba; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2215. A bill to suspend temporarily the duty on formulations of triasulfuron; to the Committee on Ways and Means.

By Mr. COX (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. SAXTON, Mr. WELLER, Mr. SCHIFF, and Mr. ACKERMAN):

H.R. 2216. A bill to develop and deploy technologies to defeat Internet jamming; to the Committee on International Relations.

By Mr. ENGEL (for himself and Mr. OWENS):

H.R. 2217. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania:

H.R. 2218. A bill to amend title XVIII of the Social Security Act to adjust the fee for collecting specimens for clinical diagnostic laboratory tests under the Medicare Program; 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. GERLACH:

H.R. 2219. A bill to ensure that, during time of war and in another country, the United States does not detain a United States citizen unless the United States first ensures that the citizen's fundamental rights to information, counsel, and communication are protected; to the Committee on the Judiciary.

By Ms. HART:

H.R. 2220. A bill to suspend temporarily the duty on Pontamine Green 2B; to the Committee on Ways and Means.

By Ms. HART:

H.R. 2221. A bill to extend the duty suspension on Mesamoll; to the Committee on Ways and Means.

By Ms. HART:

H.R. 2222. A bill to suspend temporarily the duty on Bayderm Bottom 10 UD; to the Committee on Ways and Means.

By Ms. HART:

H.R. 2223. A bill to suspend temporarily the duty on Bayderm Finish DLH; to the Committee on Ways and Means.

By Ms. HART:

H.R. 2224. A bill to suspend temporarily the duty on Levagard DMPP; to the Committee on Ways and Means.

By Ms. HART:

H.R. 2225. A bill to suspend temporarily the duty on Bayderm Bottom DLV; to the Committee on Ways and Means.

By Ms. HART:

H.R. 2226. A bill to suspend temporarily the duty on certain ethylene-vinyl acetate copolymers; to the Committee on Ways and Means.

By Ms. HART:

H.R. 2227. A bill to extend the duty suspension on ortho-phenylphenol; to the Committee on Ways and Means.

By Ms. HART:

H.R. 2228. A bill to extend the duty suspension on Iminodisuccinate; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. CUNNINGHAM, Mr. LEWIS of California, and Mr. ISSA):

H.R. 2229. A bill to amend title 36 of the United States Code to ensure that memorials commemorating the service of the United States Armed Forces may contain religious symbols, and for other purposes; to the Committee on Resources.

By Mr. KING of New York (for himself and Ms. SCHAKOWSKY):

H.R. 2230. A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself and Mrs. MYRICK):

H.R. 2231. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Energy and Commerce.

By Mr. MENENDEZ:

H.R. 2232. A bill to amend title 18, United States Code, to provide minimum mandatory penalties for certain public-corruption-related offenses; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Ms. SCHAKOWSKY, Mr. SANDERS, Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, Mr. CUMMINGS, Mr. OWENS, Mr. CONYERS, Mr. DOGGETT, Mr. BROWN of Ohio, Mr. PAYNE, Mr. PALLONE, Mr. VAN HOLLEN, Mrs. MCCARTHY, Ms. SOLIS, Mr. GRIJALVA, Mr. ABERCROMBIE, Mr. LYNCH, Mr. STARK, Ms. WOOLSEY, Mr. TIERNEY, Mr. ANDREWS, Mrs. DAVIS of California, Mr. HINOJOSA, and Mr. BISHOP of New York):

H.R. 2233. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to limit the availability of benefits under an employer's nonqualified deferred compensation plans in the event that any of the employer's defined pension plans are subjected to a distress or PBGC termination in connection with bankruptcy reorganization or a conversion to a cash balance plan, to provide appropriate funding restrictions in connection with the maintenance of nonqualified deferred compensation plans, and to provide for appropriate disclosure with respect to nonqualified deferred compensation plans; to the Committee on Education and the Workforce, 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. MURPHY (for himself and Mr. KENNEDY of Rhode Island):

H.R. 2234. A bill to authorize the Secretary of Health and Human Services to make health information technology grants, 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. PALLONE:

H.R. 2235. A bill to amend the Federal Food, Drug, and Cosmetic Act to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 2236. A bill to establish a comprehensive program to ensure the safety of food products intended for human consumption

which are regulated by the Food and Drug Administration; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 2237. A bill to help protect the public against the threat of chemical attacks; 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. PASCRELL (for himself, Mr. PAYNE, Mr. ALLEN, Mr. OWENS, Mr. MORAN of Virginia, Mr. KIND, Mr. REYES, Ms. NORTON, Mr. MEEKS of New York, Mr. TOWNS, Ms. ROS-LEHTINEN, and Mr. LANGEVIN):

H.R. 2238. A bill to establish a grant program to provide comprehensive eye examinations and necessary follow up treatment to children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RAMSTAD (for himself, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. ENGLISH of Pennsylvania, Mr. FOLEY, and Mr. CANTOR):

H.R. 2239. A bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. KUCINICH, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mrs. CHRISTENSEN, Mr. PAYNE, Mr. MCGOVERN, and Mr. ABERCROMBIE):

H.R. 2240. A bill to provide assistance for the development of indoor disease prevention and health promotion centers in urban and rural areas throughout the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 2241. A bill to suspend temporarily the duty on Lewatit; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 2242. A bill to extend the temporary suspension of duty on certain ion-exchange resins; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 2243. A bill to extend the temporary suspension of duty on 2,6 Dichlorotoluene; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 2244. A bill to suspend temporarily the duty on Glyoxylic Acid 50%; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 2245. A bill to suspend temporarily the duty on paraChlorophenol; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2246. A bill to suspend temporarily the duty on allethrin; to the Committee on Ways and Means.

By Mrs. MYRICK (for herself, Mr. HAYES, and Mr. WATT):

H. Con. Res. 148. Concurrent resolution recognizing the 230th anniversary of the Mecklenburg Declaration of Independence, which was the first proclamation issued by American colonists calling for complete separation of the American colonies from the British Crown; to the Committee on Government Reform.

By Mr. MARSHALL:

H. Res. 270. A resolution providing for consideration of the bill (H.R. 303) to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation for the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. JACKSON-LEE of Texas introduced a bill (H.R. 2247) for the relief of Jen-Hui Tsai; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. NORWOOD, Mr. CARDIN, and Mr. BASS.

H.R. 23: Mr. LARSON of Connecticut, Mr. OWENS, Mr. ANDREWS, and Mr. KING of Iowa.

H.R. 36: Mr. BERRY, Mr. REHBERG, and Mr. MOORE of Kansas.

H.R. 37: Mr. PENCE.

H.R. 98: Mr. GALLEGLY.

H.R. 127: Mr. ABERCROMBIE.

H.R. 128: Mr. BISHOP of Georgia, Ms. DELAURO, Mr. SKELTON, Mr. MILLER of North Carolina, Mr. GONZALEZ, and Ms. SCHAKOWSKY.

H.R. 136: Mr. HALL and Mr. FORBES.

H.R. 176: Mr. CALVERT.

H.R. 190: Mr. COX.

H.R. 197: Mr. EDWARDS.

H.R. 278: Mr. GINGREY.

H.R. 280: Mr. PASCRELL.

H.R. 282: Ms. SOLIS, Mr. OWENS, Mr. WU, Mr. BISHOP of Georgia, Mr. TURNER, Mr. CONAWAY, Mr. GERLACH, Mr. COSTELLO, Mr. KINGSTON, Mr. REHBERG, Mr. COOPER, Mr. GONZALES, Mr. BARRETT of South Carolina, Mr. BROWN of South Carolina, Mr. DAVIS of Florida, and Ms. SLAUGHTER.

H.R. 292: Ms. BERKLEY.

H.R. 302: Ms. HARMAN and Mr. REYES.

H.R. 328: Ms. LINDA T. SÁNCHEZ of California, Mr. DEFAZIO, and Ms. HARMAN.

H.R. 373: Mr. LANGEVIN and Mr. NADLER.

H.R. 389: Mr. POE.

H.R. 438: Mr. CARDOZA.

H.R. 530: Mr. BISHOP of Utah.

H.R. 533: Mr. GEORGE MILLER of California.

H.R. 554: Mr. GILLMOR.

H.R. 556: Mr. MCCAUL of Texas and Mr. REICHERT.

H.R. 558: Mr. PASCRELL, Mr. ETHERIDGE, Mr. KING of Iowa, and Ms. ZOE LOFGREN of California.

H.R. 581: Mr. OWENS and Mr. TOM DAVIS of Virginia.

H.R. 676: Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. OWENS, Mr. CLAY, Mr. MCGOVERN, Mr. PAYNE, and Ms. BALDWIN.

H.R. 759: Mrs. TAUSCHER.

H.R. 762: Mr. SANDERS.

H.R. 763: Mr. SANDERS.

H.R. 778: Mr. COX.

H.R. 791: Ms. LEE, Mr. BRADY of Pennsylvania, Ms. HERSETH, and Mr. CLYBURN.

H.R. 800: Mr. KIND, Mr. JOHNSON of Illinois, Mr. MCINTYRE, Mr. MICA, and Mr. MCCOTTER.

H.R. 807: Mr. CROWLEY.

H.R. 810: Ms. GINNY BROWN-WAITE of Florida.

H.R. 819: Mr. CROWLEY.

H.R. 820: Mr. MCCAUL of Texas.

H.R. 867: Mr. OWENS and Mrs. MALONEY.

H.R. 869: Mr. PAYNE.

H.R. 880: Mr. SANDERS and Mr. DICKS.

H.R. 917: Mr. BRADY of Pennsylvania.

H.R. 920: Mrs. NORTHUP.

H.R. 937: Mrs. CAPPS, Ms. WASSERMAN SCHULTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Mrs. CHRISTENSEN, and Mr. MCGOVERN.

H.R. 946: Mr. SANDERS.

H.R. 952: Mr. NADLER.

H.R. 988: Mr. GILLMOR.

H.R. 997: Mr. WELDON of Florida, Mr. STEARNS, and Mr. SHAYS.

H.R. 999: Mr. SMITH of New Jersey, Mr. EVANS, and Mr. BOSWELL.

H.R. 1002: Mr. HOSTETTLER.

H.R. 1020: Mr. SCHWARZ of Michigan, Ms. SLAUGHTER, Mr. WEXLER, and Mr. NORWOOD.

H.R. 1029: Mr. DOGGETT.

H.R. 1125: Mr. ALLEN.

H.R. 1139: Mr. ETHERIDGE.

H.R. 1150: Mr. BOUSTANY.

H.R. 1153: Mr. BAIRD and Mr. CARNAHAN.

H.R. 1157: Ms. LORETTA SANCHEZ of California.

H.R. 1166: Mr. GEORGE MILLER of California.

H.R. 1184: Mr. SNYDER.

H.R. 1204: Ms. SOLIS, Ms. NORTON, Mr. KIRK, Mr. WAXMAN, Mr. WYNN, Mr. PRICE of North Carolina, Mr. GONZALEZ, and Mr. COOPER.

H.R. 1222: Mr. CLEAVER, Mr. SANDERS, and Mr. BRADY of Pennsylvania.

H.R. 1225: Ms. SCHAKOWSKY.

H.R. 1226: Mr. KENNEDY of Minnesota.

H.R. 1237: Mr. MENENDEZ.

H.R. 1246: Mr. TOWNS, Mr. SNYDER, Mrs. MCCARTHY, and Mr. MORAN of Virginia.

H.R. 1262: Mr. MILLER of Florida and Mr. SCHIFF.

H.R. 1276: Mr. KANJORSKI.

H.R. 1293: Mr. CUMMINGS.

H.R. 1300: Mr. DAVIS of Illinois.

H.R. 1307: Mr. PAYNE and Mr. PALLONE.

H.R. 1310: Ms. SCHAKOWSKY.

H.R. 1316: Mr. LEWIS of Kentucky, Mr. WELDON of Florida, Ms. ROS-LEHTINEN, and Mr. POE.

H.R. 1351: Mr. MENENDEZ and Mr. KIND.

H.R. 1355: Mr. CARTER, Mr. BURGESS, Mr. MANZULLO, Mr. TERRY, Mr. CONWAY, Mr. GORDON, Mr. JINDAL, Mr. REICHERT, and Mr. STEARNS.

H.R. 1357: Mr. LINDER.

H.R. 1373: Mr. WEXLER, Mr. TERRY, Mr. RANGEL, Ms. WOOLSEY, Mr. PAUL, Mrs. DAVIS of California, and Mr. FORTENBERRY.

H.R. 1379: Mr. CALVERT, Mr. DOYLE, and Ms. HART.

H.R. 1380: Mr. HOSTETTLER and Mr. HOEKSTRA.

H.R. 1390: Mr. AL GREEN of Texas.

H.R. 1409: Mr. REICHERT, Mr. FILNER, and Mr. SPRATT.

H.R. 1424: Ms. SCHWARTZ of Pennsylvania, Mr. VISCLOSKY, Mr. MARKEY, Ms. SCHAKOWSKY, Mr. UDALL of Colorado, and Mrs. DAVIS of California.

H.R. 1426: Mr. TIAHRT and Mr. OBERSTAR.

H.R. 1428: Mr. WALSH.

H.R. 1445: Mr. EDWARDS and Mr. OWENS.

H.R. 1474: Mr. WU and Mrs. JOHNSON of Connecticut.

H.R. 1492: Mr. LAHOOD, Mr. CARDIN, Mr. GONZALEZ, Mr. PALLONE, Ms. DEGETTE, Mr. SHERMAN, Mr. OWENS, Mr. TOWNS, Ms. MILLENDER-MCDONALD, Ms. WATSON, Mr. CROWLEY, Mr. CUMMINGS, Mr. GEORGE MILLER of California, Mrs. JONES of Ohio, Mr. SNYDER, Mr. MATHESON, Mr. LEVIN, Mr. BECERRA, Mr. NUNES, and Mr. BURTON of Indiana.

H.R. 1498: Mrs. DAVIS of California, Mr. SOUDER, Mr. MCCOTTER, Mr. NEY, Mr. WAMP, Mr. BURTON of Indiana, Mr. MCGOVERN, Mr. WESTMORELAND, Mr. MCHUGH, and Mr. PRICE of Georgia.

H.R. 1499: Mr. WEXLER.

H.R. 1505: Mr. CAMP, Mr. KENNEDY of Minnesota, Mr. SMITH of Texas, Mr. CONAWAY, and Mr. CANNON.

H.R. 1508: Mr. CARNAHAN.
H.R. 1509: Mr. MEEK of Florida.
H.R. 1510: Mrs. CAPITO, Mr. REHBERG, and Mr. RAMSTAD.
H.R. 1526: Mr. TIERNEY, Mr. LANTOS, and Mr. FILNER.
H.R. 1547: Mr. NORWOOD.
H.R. 1554: Ms. DEGETTE.
H.R. 1575: Ms. SLAUGHTER and Mr. ROGERS of Kentucky.
H.R. 1578: Mr. CARDIN, Mr. STARK, Mrs. CAPITO, and Ms. HOOLEY.
H.R. 1591: Mrs. MILLER of Michigan, Mr. LEVIN, Mr. MICHAUD, and Mrs. TAUSCHER.
H.R. 1592: Mrs. MILLER of Michigan, Mr. ABERCROMBIE, and Ms. BORDALLO.
H.R. 1602: Mr. ROYCE.
H.R. 1620: Mrs. MALONEY.
H.R. 1633: Mr. CALVERT, Mr. REYES, and Mr. OWENS.
H.R. 1664: Mr. GREEN of Wisconsin.
H.R. 1671: Mr. CUELLAR, Mr. ORTIZ, and Mr. PRICE of Georgia.
H.R. 1678: Mr. MCCAUL of Texas.
H.R. 1688: Mr. WAXMAN.
H.R. 1690: Mr. OLVER and Mr. HASTINGS of Florida.
H.R. 1696: Ms. BALDWIN, Mr. HASTINGS of Florida, Mr. CUELLAR, Mr. SABO, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Mr. GONZALEZ, Ms. BERKLEY, Mr. SANDERS, Mr. SCHIFF, Ms. DEGETTE, Mr. KENNEDY of Rhode Island, Mr. FRANK of Massachusetts, and Mr. EDWARDS.
H.R. 1707: Mr. CUNNINGHAM, Mr. SHAYS, Mr. TOWNS, Mr. HINCHEY, Mr. FARR, Mr. GRIJALVA, Mr. LANTOS, and Mr. UDALL of Colorado.
H.R. 1708: Mr. MENENDEZ.
H.R. 1736: Mr. MILLER of North Carolina.
H.R. 1746: Mr. KENNEDY of Minnesota.
H.R. 1751: Mr. BOUSTANY, Mr. WILSON of South Carolina, Mr. KUHL of New York, Mr. CHABOT, Mr. DANIEL E. LUNGREN of California, and Mr. CONAWAY.
H.R. 1770: Mr. MCCAUL of Texas and Mr. DREIER.
H.R. 1776: Mr. BISHOP of Utah, Mr. COX, and Mr. PENCE.
H.R. 1806: Mr. LANGEVIN.
H.R. 1816: Mr. MANZULLO, Mr. BARTLETT of Maryland, Ms. GRANGER, and Mr. HOSTETTLER.
H.R. 1849: Mr. CUMMINGS, Mr. PRICE of Georgia, Mr. FARR, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Kentucky, and Mr. SNYDER.
H.R. 1872: Mr. GUTKNECHT and Mr. BOUSTANY.
H.R. 1898: Mr. FOLEY and Mr. DANIEL E. LUNGREN of California.
H.R. 1985: Mrs. JO ANN DAVIS of Virginia.
H.R. 2018: Mr. SAXTON.
H.R. 2037: Ms. WASSERMAN SCHULTZ.
H.R. 2045: Mr. BURTON of Indiana, Mr. HOSTETTLER, Mr. VISCLOSKY, and Mr. GILLMOR.
H.R. 2049: Mr. GOODE and Mr. TANCREDO.
H.R. 2073: Mr. CAPUANO, Mr. ABERCROMBIE, and Mr. CLAY.
H.R. 2074: Mr. GRIJALVA, Ms. BORDALLO, Mrs. JONES of Ohio, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Mr. RYAN of Ohio, Mr. FILNER, and Mrs. DAVIS of California.
H.R. 2087: Mr. THOMPSON of California, Mr. CONYERS, Mr. SABO, Ms. CARSON, Mr. LANTOS, and Mr. HASTINGS of Florida.
H.R. 2122: Mr. LANTOS and Mr. ABERCROMBIE.
H.R. 2131: Mr. MORAN of Virginia and Mr. DAVIS of Florida.
H.R. 2134: Mr. MCDERMOTT.
H.R. 2184: Ms. EDDIE BERNICE JOHNSON of Texas and Mrs. MCCARTHY.
H.R. 2193: Mr. PASTOR.
H.R. 2205: Mr. RYAN of Ohio.
H.J. Res. 7: Mr. WICKER.
H.J. Res. 10: Mrs. DRAKE, Mr. FOLEY, Mr. PENCE, Mr. NUSSLE, Mr. SESSIONS, Mr. GOODLATTE, Mr. RENZI, Mr. WHITFIELD, Mr. CARTER, Mr. NORWOOD, Mr. CANNON, and Mr. PRICE of Georgia.
H.J. Res. 12: Mr. JACKSON of Illinois, Mr. CUELLAR, Mr. BACA, Mrs. DAVIS of California, Mr. BUTTERFIELD, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. CLEAVER, Mr. BERMAN, Mr. ABERCROMBIE, Mr. CAROLIN, Mr. CONYERS, Mr. BAIRD, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LARSEN of Washington, Mr. FALEOMAVAEGA, Ms. JACKSON-LEE of Texas, Mr. HONDA, Mr. MCGOVERN, Mr. KUCINICH, Mr. OWENS, Mr. RANGEL, Mr. WEINER, Mr. VAN HOLLEN, Mr. THOMPSON of Mississippi, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mr. NADLER, Ms. LINDA T. SÁNCHEZ of California, Mr. RYAN of Ohio, Ms. WATSON, Mr. WEXLER, Mr. KENNEDY of Rhode Island, Ms. LEE, Mr. TOWNS, Mr. DICKS, Mr. LEWIS of Georgia, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. RUPPERSBERGER, Ms. KILPATRICK of Michigan, and Mr. MICHAUD.
H.J. Res. 22: Mr. HEFLEY.
H. Con. Res. 71: Mr. MCGOVERN and Mr. CROWLEY.
H. Con. Res. 76: Mrs. DRAKE and Mr. CULBERSON.
H. Con. Res. 85: Mr. REICHERT and Mr. RAMSTAD.
H. Con. Res. 89: Mr. FILNER and Mr. PORTER.
H. Con. Res. 90: Mr. KILDEE, Mr. COSTELLO, Mr. GONZALEZ, Mr. MCDERMOTT, Mr. LEVIN, Mr. SANDERS, and Ms. ZOE LOFGREN of California.
H. Con. Res. 105: Mr. WEINER, Mr. ACKERMAN, Mr. MICHAUD, Ms. KILPATRICK of Michigan, Mr. ENGEL, Mr. SCOTT of Virginia, Ms. SCHAKOWSKY, Mr. KENNEDY of Rhode Island, Mr. WILSON of South Carolina, Mr. LEWIS of California, and Mr. CULBERSON.
H. Con. Res. 133: Mr. SCHIFF, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. LANTOS, Mr. REYES, Mr. ISRAEL, Mr. GRIJALVA, Mr. CASE, Mr. FARR, Mr. KUCINICH, Mr. MEEHAN, Mr. BLUMENAUER, Mr. PALLONE, Mr. DEFAZIO, Ms. BALDWIN, Mr. BAIRD, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. GONZALEZ, and Mr. FALEOMAVAEGA.
H. Con. Res. 138: Mr. MCGOVERN.
H. Con. Res. 144: Mr. GORDON, Mr. KENNEDY of Minnesota, Mr. CALVERT, Mr. BERKLEY, and Mr. PALLONE.
H. Con. Res. 145: Mr. GREEN of Wisconsin, Mr. CROWLEY, Mr. DOGGETT, Ms. BALDWIN, Mr. SANDERS, Mr. LIPINSKI, Mr. KIND, Mrs. TAUSCHER, Ms. MCCOLLUM of Minnesota, Mr. BURTON of Indiana, and Mr. BOUCHER.
H. Res. 116: Mr. GRIJALVA.
H. Res. 121: Mr. BOREN
H. Res. 123: Ms. ZOE LOFGREN of California.
H. Res. 142: Mrs. BLACKBURN.
H. Res. 146: Mr. GOHMERT, and Mr. HOSTETTLER.
H. Res. 245: Mr. CLYBURN, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. RANGEL, and Mr. BACA.
H. Res. 251: Mr. COSTA, and Mr. SCHWARZ of Michigan.
H. Res. 252: Mr. SKELTON, Mr. OBERSTAR, Mrs. MILLER of Michigan, Mr. TURNER, Mr. SHUSTER, Mr. MEEKS of New York, Mr. NEAL of Massachusetts, Mr. HOLDEN, Mr. WHITFIELD, and Mr. BURTON of Indiana.
H. Res. 266: Mr. CUNNINGHAM, Mr. RAMSTAD, and Mrs. MCCARTHY.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, MAY 10, 2005 No. 60

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable DAVID VITTER, a Senator from the State of Louisiana.

PRAYER

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

Let us pray.

Savior, lead us today as a shepherd. Guide our lives and inspire our hearts. May the talents gathered here on Capitol Hill help in the awesome task of bringing healing to our world.

Strengthen our lawmakers as they deal with unintended needs and unsolved problems. Make them eager to lift burdens and ready to respond in service to humanity.

Help each of us to feel a bit of the responsibility for the challenges that hang heavy over our land. In Your unfailing love, give us the wisdom to follow the leading of Your powerful providence.

Blessed be Your Name forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER 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, May 10, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID VITTER, a Senator from the State of Louisiana, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. VITTER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will have a 1-hour period of morning business with time equally divided between the majority and minority. Following that time, the Senate will proceed to the emergency supplemental appropriations conference report. Chairman COCHRAN will manage time on our side. We hope to reach shortly a consent to limit the time necessary on the conference report. We have not had many requests for time on our side. We hope to have a reasonable period of debate prior to the vote. It looks as if the vote will occur sometime this afternoon after the policy lunch recess. We will be recessing for the policy luncheons from 12:30 to 2:15 today.

Once we complete the supplemental appropriations, we will return to the highway bill. Chairman INHOFE has been encouraging Senators to offer their amendments. I join him in that statement. Senators should not delay in offering those amendments. Please come to the floor as soon as reasonable to offer those amendments. We want to finish the highway bill this week. Again, I advise Members that the clock is ticking on this bill.

I expect rollcall votes later today on amendments to the bill. As always, we will notify all Senators as the votes are scheduled.

MIDDLE EAST VISIT

Mr. FRIST. Mr. President, last week, I had the opportunity to travel throughout the Middle East. My stops included Israel, the West Bank, Jordan, Lebanon, and Egypt. It was a fascinating and illuminating trip for me.

We saw firsthand many of the challenges facing that region. I came away with a much greater appreciation for the remarkable developments we have witnessed in that part of the world in recent months: The elections in the Palestinian Authority, the Cedar revolution in Lebanon, and the significant reforms taking place in Egypt. Progress and democracy are on the march.

Our first stop was in Jerusalem where we had the chance to explore the rich history of the old city, the heart of three of the world's major religions. We visited the Church of the Holy Sepulcher, the Temple Mount, the Western Wall. We had the opportunity to witness the site that is familiar to anyone who travels to that wonderful city of faiths. People were practicing their beliefs side by side, ways that in many ways are very different. That gives real confidence for the future when you experience it. I was truly overwhelmed, once again, by the old city's holiness and sense of history.

We met with several Israeli political leaders. Senator LIEBERMAN and I met with Prime Minister Ariel Sharon. Much of our discussion focused on that roadmap. The Prime Minister discussed with us his courageous decision to withdraw from the Gaza Strip. We discussed all of the contentious issues, issues such as those surrounding settlements. We discussed the importance of coordinating the withdrawal from the Gaza Strip with the Palestinians in order to ensure stability in the Gaza Strip and to ensure security in the Gaza Strip after the withdrawal. A lot of attention was placed on the withdrawal out of the Gaza Strip wherever we moved throughout the Middle East.

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

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I believe the Prime Minister's Gaza disengagement plan is a bold step. It is a historic step.

The success of his plan, however, will ultimately depend on the Palestinians' ability to stop terrorist acts, to strengthen democratic institutions, to provide security and to deliver tangible benefits to the Palestinian people. The Palestinian people have great expectations. It will be up to their government to deliver tangible benefits to open their world to something that is concrete but more importantly, to hope for the future.

We also met with former Cabinet member Natan Sharansky; Knesset speaker Reuven Rivlin, and foreign affairs and defense committee chairman Yuval Steinitz. All three of these individuals were opposed to the withdrawal from the Gaza Strip. They are all gravely concerned about the militarization of the Sinai and weapons smuggling from the south up into Gaza. It was important to hear their views on these critical matters. I share their concern.

The withdrawal plan is understandably controversial and difficult for many families living in the Gaza Strip. I also believe withdrawal is a crucial step toward securing a lasting peace in that part of the world.

Our discussion confirmed my belief that the withdrawal must be coordinated with the Palestinian Authority so that the Palestinian Authority can prevent attacks against Israel and make tangible progress toward the roadmap.

Right now, there is an opening for huge progress. Both sides have the opportunity to build the trust that will be necessary for negotiations on what we all know will be the most controversial issues. Both sides have to fulfill their obligations.

To begin, Palestinians must dismantle the terrorist groups and stop all terrorist attacks against Israel. For the Israelis, it is critical to halt settlement activity and expansion. Much more will need to be done as we move along the roadmap.

In our conversation with Prime Minister Sharon, we also discussed our mutual concern about Iran's nuclear ambitions. We agree that a nuclear-armed Iran poses a threat to Israel, the region, to Europe, and to the United States. In my view, the United States must support the work of our European allies to end diplomatically Iran's nuclear ambitions. Failing that, we must take the issue directly to the United Nations Security Council for action.

A final meeting was with Finance Minister and former Prime Minister Benjamin Netanyahu. He is working hard to ease the tax burden in order to stimulate his country's economy. He has made remarkable progress. His plan is gaining success. The Israeli economy right now is growing. The economic output, in fact, is growing at a robust annual rate of 4 percent. If he is able to make further reforms, I believe we can expect continued and possibly even better growth in the future.

As a physician, at most of these stops I take a few hours off to go to a hospital or a clinic where I have a little picture or window of the realities of what is going on in the country. I meet with doctors, nurses, and patients and ask them questions very directly. I went to the Hadassah Hospital, where I had not been, in Jerusalem. It is a large tertiary care hospital supported by a number of individuals in the United States. We toured the trauma unit, unique anywhere in the world in that it has seen more suicide attack victims than any trauma unit. In fact, they were telling me that there have been 32 suicide attacks in the last 3 years. Each of these suicide attacks—really, never thought about a decade ago there at the hospital—involved on average about 80 injured people; each one, on average, killing about 10 individuals. From an observer's standpoint, it points to the reality of what has gone on in that part of the world over the last 4 years.

We also talked a lot about the potential for biological attack as well as chemical attack and their preparedness from the hospital facility standpoint.

All in all, my trip to Jerusalem confirmed my confidence in the strength of our very special relationship with Israel and the need for continued American support for this vital friend and ally. Israel stands for what America stands for. Ultimately, it is up to the Israelis and the Palestinians to meet face to face and make the difficult decisions that will lead to peace.

My meetings with Israel's leaders reinforce my belief they are willing to take the difficult steps. I will continue to do what I can to support them in their efforts.

In closing, tomorrow I will speak very briefly on my trip to the West Bank. I do believe peace can be achieved. I look forward to sharing with my colleagues some of the observations and the lessons I have learned in my interactions with the people in the Middle East.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Utah is recognized.

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, yesterday marked the fourth anniversary of President Bush's first judicial nominations, a group of 11 highly qualified men and women nominated to the U.S. courts of appeals.

As I said in the East Room at the White House on May 9, 2001: I hope the Senate will at least treat these nominees fairly. Many of our Democratic colleagues instead chose to follow their minority leader's order issued days after President Bush took office, to use ''whatever means necessary'' to defeat judicial nominees the minority does not like.

While the previous 3 Presidents saw their first 11 appeals court nominees confirmed in an average of just 81 days, today, 1,461 days later, 3 of those original nominees have not even received a vote, let alone been confirmed. Three have withdrawn.

In 2003, the minority opened a new front in the confirmation conflict by using filibusters to defeat majority-supported judicial nominees. This morning I will briefly address the top 10 most ridiculous judicial filibuster defenses. Time permits only brief treatment, but it was difficult to limit the list to 10.

No. 10 is the claim that these filibusters are part of Senate tradition. Calling something a filibuster, even if you repeat it over and over, does not make it so. These filibusters block confirmation of majority-supported judicial nominations by defeating votes to invoke cloture or end debate. Either these filibusters happened before or they did not.

Let me take the evidence offered by filibuster proponents at face value. Let me refer to these two charts. These two charts list some representative examples of what Democrats repeatedly claim is filibuster precedence. The Senate confirmed each of these nominations. As ridiculous as it sounds, filibuster proponents claim, with a straight face, by the way, that confirming these past nominations justifies refusing to confirm nominations today.

Some examples are more ridiculous than others. Stephen Breyer is on the Democrats' list of filibusters, suggesting that the Senate treated his nomination the way Democrats are treating President Bush's nominations today. The two situations could not be more different. Even though President Carter nominated now-Justice Breyer but then attorney Breyer, law professor Breyer, in November 1980, after losing his bid for reelection—that is when he nominated him—and after Democrats lost control of the Senate, we voted to end debate and overwhelmingly confirmed Stephen Breyer just 26 days after his nomination. And I had a lot to do with that. The suggestion that confirming the Breyer nomination for the party losing its majority now justifies filibustering nominations for the party keeping its majority is, well, just plain ridiculous.

No. 9 on the list of the most ridiculous filibuster defenses is that they are necessary, they say, to prevent one-party rule from stacking the Federal bench. Now, if you win elections, you say the country has chosen its leadership. If you lose, you complain about one-party rule. When your party controls the White House, the President appoints judges. When the other party controls the White House, the President stacks the bench—at least that seems to be the attitude.

Our Democratic colleagues say we should be guided by how the Democratic Senate handled Franklin Roosevelt's attempt to pack the Supreme Court. It is true that FDR's legislative proposal to create new Supreme Court seats failed, and without a filibuster, I might add. But as it turned out, packing the Supreme Court required only filling the existing seats. President Roosevelt packed the Court all right, by appointing no less than eight Justices in 6 years—more than any President, except George Washington himself.

This chart is an answer to FDR's court packing without a filibuster. Now, let me just make some points. As the chart shows, during the 75th, 76th, and 77th Congresses, when President Roosevelt made those nominations, Democrats outnumbered Republicans by an average of 70 Democrats to 20 Republicans. Now, that is one-party rule. Yet the Senate confirmed those Supreme Court nominees in an average of just 13 days, one of them on the very day it was made and six of them without even a rollcall vote. That is not because filibustering judicial nominations was difficult. In fact, our cloture rule did not then apply to nominations. A single Member of that tiny, beleaguered Republican minority could have filibustered these nominations and attempted to stop President Roosevelt from packing the Supreme Court—just a single Member could have.

The most important number on this chart is the number right at the bottom: the number of filibusters against President Roosevelt's nominees—zero.

No. 8 on this list is the claim that without the filibuster the Senate would be a patsy, nothing but a rubberstamp for the President's judicial nominations. To paraphrase a great Supreme Court Justice: If simply stating this argument does not suffice to refute it, our debate about these issues has achieved terminal silliness. Being on the losing side does not make one a rubberstamp.

For all of these centuries of democratic government, have we seen only winners and rubberstamps? Was the famous tag line for ABC's Wide World of Sports ''the thrill of victory and the agony of rubberstamping''? Democrats did not start filibustering judicial nominations until the 108th Congress. Imagine the history books describing the previous 107 Senates as the great rubberstamp Senates. Did Democrats rubberstamp the Supreme Court nomination of Clarence Thomas in 1991 since they did not use the filibuster? That conflict lasting several months and concluding with that 52-to-48 confirmation vote did not look like a rubberstamp to me.

Some modify this ridiculous argument by saying this applies when one party controls both the White House and the Senate. They make the stunning observation that Senators of the President's party are likely to vote for his nominees. The assistant minority leader, Senator DURBIN, recently said, for example, that Republican Senators are nothing but ''lapdogs'' for President Bush.

Pointing at others can be dangerous because you have a few fingers pointing back at yourself. Counting both unanimous consent or rollcall votes, more than 37,500 votes were cast here on the Senate floor on President Clinton's judicial nominations. Only 11 of them, just a teeny, tiny, three one-hundredths of 1 percent, were ''no'' votes from Democrats—only 11 of 37,500. Were they just rubberstamping lapdogs in supporting President Clinton?

The Constitution assigns the same roles to the President and the Senate no matter which party the American people put in charge of which end of Pennsylvania Avenue.

In the 1960s, the Democrats were in charge, yet Minority Leader Everett Dirksen refused to filibuster judicial nominees of Presidents Kennedy or Johnson. Was he just a rubberstamp?

In the 1970s, the Democrats were in charge, yet Minority Leader Howard Baker refused to filibuster President Carter's judicial nominees. Was he just a rubberstamp?

In the 1980s, the Republicans were in charge, yet Minority Leader Robert Byrd did not filibuster President Reagan's judicial nominees. Was he just a rubberstamp?

And a decade ago, the Democrats were again in charge, yet Minority Leader Bob Dole refused to filibuster President Clinton's judicial nominees. Was he a rubberstamp?

To avoid being a rubberstamp, one need only fight the good fight, win or lose.

No. 7 on the list of most ridiculous judicial filibuster defenses is that these filibusters are necessary to preserve our system of checks and balances. That is an argument we have heard from the other side.

Mr. President, any civics textbook explains that what we call ''checks and balances'' regulates the relationship between the branches of Government. The Senate's role of advice and consent checks the President's power to appoint judges, and we exercise that check when we vote on his judicial nominations.

The filibuster is about the relationship between the majority and minority in the Senate, not about the relationship between the Senate and the President. It actually interferes with being a check on the President's power by preventing the Senate from exercising its role of advice and consent at all.

Former Majority Leader Mike Mansfield once explained that by filibustering judicial nominations, individual Senators presume what he called ''great personal privilege at the expense of the responsibilities of the Senate as a whole, and at the expense of the constitutional structure of the federal government.''

In September 1999, the Senator from Massachusetts, Mr. KENNEDY, expressed the same view when he said:

> It is true that some Senators have voiced concerns about these nominations. But that should not prevent a roll call vote which gives every Senator the opportunity to vote ''yes'' or ''no.''

Those were the words of our colleague from Massachusetts, Senator KENNEDY: Give every Senator the opportunity to vote yes or no.

That was then; this is now.

In case anyone needs further clarification on this point, I ask unanimous consent that the definition of ''checks and balances'' from two sources, ''congressforkids.net'' and ''socialstudieshelp.com,'' be printed in the RECORD.

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

> Definition of checks and balances from www.congressforkids.org.
>
> ''By creating three branches of government, the delegates built a 'check and balance' system into the Constitution.''
>
> Definition of checks and balances from www.socialstudieshelp.com.
>
> ''In this system the government was to be divided into three branches of government, each branch having particular powers. Not only does each branch of the government have particular powers, each branch has certain powers of the other branches.''

Mr. HATCH. No. 6 on the list is that these filibusters are necessary to prevent appointment of extremists.

What our Democratic colleagues call ''extreme'' the American Bar Association calls ''qualified.'' In fact, all three of the appeals court nominees chosen 4 years ago who have been denied confirmation received the ABA's highest ''well qualified'' rating. Now, that was the gold standard under the Democrats when Clinton was President. The same Democrats who once called the ABA rating the gold standard for evaluating judicial nominees now disregard it and call these people extreme.

Did 76 percent of Californians vote to keep an extremist on their supreme court when they voted to retain Justice Janice Rogers Brown, an African-American woman, a sharecroppers' daughter, who fought her way all the way up to the Supreme Court of California?

Did 84 percent of all Texans and every major newspaper in the State support an extremist when they reelected Justice Priscilla Owen to the Texas Supreme Court—84 percent?

The Associated Press reported last Friday that the minority leader reserves the right to filibuster what he

calls ''extreme'' Supreme Court nominees. Now, that is quite an escape hatch, if you will, since the minority already defines any nominee it does not like as ''extreme.'' This is simply a repackaged status quo masquerading as reform.

If Senators want to dismiss as an extremist any judicial nominee who does not think exactly as they do, that certainly is their right. That is, however, a reason for voting against a confirmation, not for refusing to vote at all. As our former colleague, Tom Daschle, said:

I find it simply baffling that a Senator would vote against even voting on a judicial nominee.

No. 5 on this list of most ridiculous judicial filibuster defenses is the claim that these filibusters are about free speech and debate. If Senators cannot filibuster judicial nominations, some say, the Senate will cease to exist, and we will be literally unable to represent our constituents.

The same men who founded this Republic designed this Senate without the ability to filibuster anything at all. A simple majority could proceed to vote on something after sufficient debate. Among those first Senators were Oliver Ellsworth of Connecticut, who later served on the Supreme Court, as well as Charles Carroll of Maryland and Richard Henry Lee of Virginia, who had signed the Declaration of Independence. When they ran for office, did they know that they would be unable to represent their States because they would be unable to filibuster?

These filibusters are about defeating judicial nominations, not debating them. The minority rejects every proposal for debating and voting on nominations it targets for defeat.

In April 2003, my colleague from Utah, Senator BENNETT, asked him, the minority leader, how many hours Democrats would need to debate a particular nomination. Now, just take a look at chart 4. His response spoke volumes:

[T]here is not a number [of hours] in the universe that would be sufficient.

Let me just refer to chart 5.

Later that year, he said:

We would not agree to a time agreement . . . of any duration.

Let me go to chart 6. Just 2 weeks ago, the minority leader summed up what really has been the Democrats' position all along:

This has never been about the length of the debate.

He is right about that. This has always been about defeating nominations, not debating them. If our Democratic colleagues want to debate, then let us debate. The majority leader said we will give 100 hours for each of these nominees. Let's debate them. Let us do what Democrats once said was the purpose of debating judicial nominations. As my colleague from California, Senator BOXER, put it in January 1998:

[L]et these names come up, let us have debate, let us vote.

No. 4 on the list is that returning to Senate tradition regarding floor votes on judicial nominations would amount to breaking the rules to change the rules. As any consultant worth even a little salt will tell you, that is a catchy little phrase. The problem is that neither of its catchy little parts is true.

The constitutional option, which would change judicial confirmation procedure through the Senate voting to affirm a parliamentary ruling, would neither break nor change Senate rules. While the constitutional option has not been used to break our rules, it has been used to break filibusters.

On January 4, 1995, the Senator from West Virginia, the distinguished Senator, Mr. BYRD, described how, in 1977, when he was majority leader, he used this procedure to break a filibuster on a natural gas bill. Now, I have genuine affection and great respect for the Senator from West Virginia, and he knows that. But let me just refer to chart 7. Since I would not want to describe his repeated use of the constitutional option in a pejorative way, let me use his own words. Here is what he said back in 1995, the distinguished Senator from West Virginia:

I have seen filibusters. I have helped to break them. There are few Senators in this body who were here [in 1977] when I broke the filibuster on the natural gas bill. . . . I asked Mr. Mondale, the Vice President, to go please sit in the chair; I wanted to make some points of order and create some new precedents that would break these filibusters. And the filibuster was broken—back, neck, legs, and arms. . . . So I know something about filibusters. I helped to set a great many of the precedents that are on the books here.

Well, he certainly did. I was here. And using the constitutional option today to return to Senate tradition regarding judicial nominations would simply use the precedents the distinguished Senator from West Virginia put on the books.

No. 3 on the list of most ridiculous judicial filibuster defenses is that the constitutional option is unprecedented, or should we call it the Byrd option. In 1977, 1979, and 1987, the then majority leader, Senator BYRD, secured a favorable parliamentary ruling through a point of order and a majority of Senators voted to affirm it. He did this even when the result he sought was inconsistent with the text of our written rules.

In 1980, he used a version of the same procedure to limit nomination-related filibusters. Majority Leader BYRD made a motion for the Senate to vote to go into executive session and proceed to consider a specific nomination. At the time, the first step was not debatable but the second step was debatable. A majority of Senators voted to overturn a parliamentary ruling disallowing the procedural change Majority Leader BYRD wanted.

Let me refer to chart 8. Seven of these Senators serve with us today, and their names appear on this chart. They can explain for themselves how voting against restricting nomination-related filibusters today is consistent with voting to restrict them in 1980. As you can see, they are illustrious colleagues.

No. 2 on the list is that preventing judicial filibusters will doom legislative filibusters. As you know, there are two calendars in the Senate. One is the legislative calendar. I would fight to my death to keep the filibuster alive on the legislative calendar to protect the minority. But then there is the executive calendar, which is partly the President's in the sense that he has the power of appointment and nomination and sends these people up here and expects advice and consent from the Senate. Advice we give. Consent we have not given in the case of these nominees who have been filibustered, or so-called filibustered.

No. 2 on the list is that preventing judicial filibusters, they claim, will doom legislative filibusters. That's pure bunk. Our own Senate history shows how ridiculous this argument really is. Filibusters became possible by dropping the rule allowing a simple majority to proceed to a vote. The legislative filibuster developed, the judicial filibuster did not. What we must today limit by rule or ruling we once limited by principle or self-restraint—for 214 years, that is. The filibuster is an inappropriate obstacle to the President's judicial appointment power but an appropriate tool for exercising our own legislative power. I cannot fathom how returning to our tradition regarding judicial nominations will somehow threaten our tradition regarding legislation. The only threat to the legislative filibuster and the only votes to abolish have come from the other side of the aisle. In 1995, 19 Senators, all Democrats, voted against tabling an amendment to our cloture rule that would prohibit all filibusters of legislation as well as nominations. As this chart shows, nine of those Senators still serve with us and their names are right here on this chart.

I voted then against the Democrats' proposal to eliminate the legislative filibuster, and I oppose eliminating it today. The majority leader, Senator FRIST, also voted against the Democrats' proposal to eliminate the legislative filibuster. In fact, that was his first vote as a new Member of this body. I joined him in recommitting ourselves to protecting the legislative filibuster. I urge my friends on the other side, the Democrats, to follow the example of our colleague from California, Senator BOXER, who recently said that she has changed her position, that she no longer wants to eliminate the legislative filibuster.

In 1995, USA Today condemned the filibuster as ''a pedestrian tool of partisans and gridlock meisters.''

The New York Times said the filibuster is ''the tool of the sore loser.'' I hope these papers will reconsider their position and support the legislative filibuster.

The No. 1 most ridiculous judicial filibuster defense is that those wanting

to filibuster Republican nominees today opposed filibustering Democratic nominees only a few years ago. In a letter dated February 4, 1998, for example, the leftwing urged confirmation of Margaret Morrow to the U.S. District Court for the Central District of California. They urged us to ''bring the nomination to the Senate, ensure that it received prompt, full and fair consideration, and that a final vote on her nomination is scheduled as soon as possible.'' Groups signing this letter included the Alliance for Justice, Leadership Conference on Civil Rights, and People for the American Way. As we all know, these leftwing groups today lead the grassroots campaign behind these filibusters that would deny this same treatment to President Bush's nominees. Their position has changed as the party controlling the White House has changed.

Let me make it easy for the ''hypocrite patrol'' to check out my position on the Morrow nomination. In the February 11, 1998, CONGRESSIONAL RECORD, on page S640, three pages before that letter from the leftwing groups appears, I opened the debate on the Morrow nomination by strongly urging my fellow Senators to support it. We did, and she is, today, a sitting Federal judge, as I believe she should be. The same Democrats who today call for filibusters called for up-or-down votes when a Democrat was in the White House.

Let me refer to chart 10 here. I will just give some illustrations. In 1999, my dear friend from California, Senator FEINSTEIN, a person I have great love and respect for, a Member of the Senate Judiciary Committee, said of the Senate:

> It is our job to confirm these judges. If we don't like them, we can vote against them.

She said:

> A nominee is entitled to a vote. Vote them up, vote them down.

Let me go to chart 11. Another committee member, Senator SCHUMER, properly said in March 2000:

> The President nominates and we are charged with voting on the nominees.

He was right.

Let me refer to chart 12. I have already quoted the Senator from California, Senator BOXER once, but in 2000 she said that filibustering judicial nominees:

> . . . would be such a twisting of what cloture really means in these cases. It has never been done before for a judge, as far as we know—ever.

I appreciate what another member of the Judiciary Committee, Senator KOHL, said in 1997:

> Let's breathe life back into the confirmation process. Let's vote on the nominees who have already been approved by the Judiciary Committee.

Well, let me go to chart 14. The Senator from Iowa, Senator HARKIN, who fought so strongly against the legislative filibuster in 1995, said, 5 years later, about the judicial filibuster:

> If they want to vote against them, let them vote against them. But at least have a vote.

The same view comes from three former Judiciary Committee chairmen, members of the Democratic leadership. Let me refer to chart No. 15. A former committee chairman, Senator BIDEN, said in 1977 that every judicial nominee is entitled:

> To have a shot to be heard on the floor and have a vote on the floor.

Former chairman, Senator EDWARD KENNEDY, said in 1998:

> If Senators don't like them, vote against them. But give them a vote.

And my immediate predecessor as chairman, Senator LEAHY, said a year later, judicial nominees are:

> entitled to a vote, aye or nay.

Now, the assistant minority leader, Senator DURBIN, had urged the same thing in September 1998:

> Vote the person up or down.

Vote the person up or down.

Finally, Mr. President, the minority leader, Senator REID, expressed in March 2000 the standard that I hope we can reestablish:

> Once they get out of committee, bring them down here and vote up or down on them.

The majority leader, Senator FRIST, recently proposed a plan to accomplish precisely this result. But the minority leader dismissed it as—I want to quote this accurately now—

> A big fat wet kiss to the far right.

I never thought voting on judicial nominations was a far-right thing to do.

These statements speak for themselves. Do you see a pattern here? The message at one time seems to be let us debate and let us vote. That should be the standard, no matter which party controls the White House or the Senate.

Mr. President, as I close, let me summarize these 10 top most ridiculous judicial filibusters in this way. Blocking confirmation of majority-supported judicial nominations by defeating cloture votes is unprecedented. In the words of the current Judiciary Committee chairman, Senator SPECTER:

> What Democrats are doing here is really seeking a constitutional revolution.

We must turn back that revolution. No matter which party controls the White House or Senate, we should return to our tradition of giving judicial nominations reaching the Senate floor an up-or-down vote. Full, fair, and vigorous debate is one of the hallmarks of this body, and it should drive how we evaluate a President's judicial nominations.

Honoring the Constitution's separation of power, however, requires that our check on the President's appointment power not highjack that power altogether. This means debate must be a means to an end rather than an end in itself. Senators are free to vote against the nominees they feel extreme, but they should not be free to prevent other Senators from expressing a contrary view or advising and consenting. In this body, we govern ourselves with parliamentary rulings as well as by unwritten rules. The procedure of a majority of Senators voting to sustain a parliamentary ruling has been used repeatedly to change Senate procedure without changing Senate rules, even to limit nomination-related filibusters.

I have tried to deal with the substance of our filibuster proponents' arguments, albeit with some humor and maybe a touch of sarcasm. A few days ago, as the Salt Lake Tribune reported, the minority leader was in my State:

> . . . stopping just short of calling Utah Senator ORRIN HATCH a hypocrite.

That is at least how the newspaper described it. That is not what I consider to be a substantive argument. Perhaps those who dismiss their opponents as liars, losers, or lap dogs have nothing else to offer in this debate. Yet debate we must, and then we must vote.

Mr. President, how much remaining time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. HATCH. Let me just make this point. We confirmed, in 6 years of Republican control of the Senate, 377 judges for President Clinton. That was five less than the all-time confirmation champion Ronald Reagan. All of these people who are up have well-qualified ratings from the ABA, all had a bipartisan majority to support them. What is wrong with giving them an up-or-down vote and retaining 214 years of Senate tradition? What is wrong with that? I think it is wrong to try and blow up that tradition the way it is being done.

With that, I yield the floor.

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. SCHUMER. Mr. 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.

Mr. SCHUMER. Will the Chair advise as to how much time remains on this side?

The ACTING PRESIDENT pro tempore. One-half hour remains on the Senator's side.

RULES OF THE SENATE

Mr. SCHUMER. Mr. President, I yield myself such time as I may consume.

As the Senate convenes this week, we stand on the edge of dramatic change. Change is usually a good thing, but the change that the other side is trying to invoke is not a good thing. We all know it. Most Americans know it. Most Democrats know it. Most Republicans

know it. Even most Senators on the other side know it. Yet they are torn because of a small group way out of the mainstream. The same people who believe their message, which may come from the heavens, dictates to them what is right for everybody else seem to be in control. It is a crucial time for America. The age-old checks and balances that are at the center of this Republic, at the center of our Constitution, are hanging at the precipice.

It is the Senate where the Founding Fathers established a repository of checks and balances. It is not like the House of Representatives where the majority leader or the Speaker can snap his fingers and get what he wants. Here we work many times by unanimous consent where you need all 100 Senators to go along. In some instances, we work where 67 votes are needed, in some with 60, and in most with 51. But the reason we don't always work by majority rule is very simple. On important issues, the Founding Fathers wanted—and they were correct in my judgment—that the slimmest majority should not always govern. When it comes to vital issues, that is what they wanted.

The Senate is not a majoritarian body. My good friend from Utah spoke. He represents about two million people in Utah. I represent 19 million in New York State. We have the same vote. You could have 51 votes for a judge on this floor that represents 21 percent of the American people. So the bottom line is very simple. This has not always been a 50.1 to 49.9 body. It has been a body that has had to work by its rules and by the Founding Fathers' intent. Even when you are in the majority, you have to reach out and meet not all, not most, but some of the concerns of the minority.

I understand why my colleague from Utah would get up and make such ridiculous arguments. He is torn. He knows this is wrong. Most of the Members on the other side of the aisle know it is wrong. Some have had the guts—a handful—to say no. Some have had the strength to resist the calls of that extreme group or groups. Some are true believers. But some, and my guess is my friend from Utah is one of those, know it is wrong but decide: I am going along anyway.

When my friend from Utah lists the 10 most ridiculous arguments against keeping the filibuster and says checks and balances is a ridiculous argument, please. I care a great deal about my friend from Utah. He is a fine man. We are friends. We have worked together on many things. But he has more respect for the Constitution than to say checks and balances is a ridiculous argument. He knows darn well that a 51-to-49 vote does away with certain kinds of checks and balances.

When my friend from Utah talks about no extremists, it seems to me the very same people who are calling the shots are the people who said that judges are worse than terrorists. That seems pretty extreme to me. That is the type of person importuning my friend from Utah.

Another one said: Judges, in their black robes, are like the Ku Klux Klan in their white robes. These are officials of the American Government, most of whom now are Republicans. Sixty percent of the court of appeals are Republican appointees. Seven of the nine Supreme Court members are Republican appointees.

When my friend from Utah doesn't think those statements are extreme and listens to the solution that people who make those statements prescribe, what else can one conclude than that he is sort of tying himself in a pretzel to try and make an argument that he must know in his heart is wrong.

Unprecedented? Well, it was my good friend from Utah who played a leading role in blocking a large number of the Clinton judges. He will say it wasn't by filibuster. The American people are a lot smarter than that. Whether it is by not bringing them up for a vote in committee or by requiring that they get 60 votes to choke off debate on the floor, the effect is the same. The President, the incumbent, is denied his choice. By the way, that is how our Senate has functioned.

The President, when he gets 51.5 percent, as George Bush did, or even when he gets over 65 percent, as Franklin Roosevelt did in 1936, shouldn't always get his way with every single judge.

He says that this will not doom the legislative filibuster, that that is an absurd argument. A year ago, if we would have heard that the Republican majority was considering having the Vice President sit in the chair and rule by fiat his own interpretation of the Constitution, coming out of nowhere because the Constitution doesn't mention any of this, certainly a narrow reading wouldn't allow us to address this issue from the Constitution, and he says that we will rule by fiat from the Chair and there should be no more filibusters of judges, even though that has been allowed for 200 years, even though it was done in 2000 by our colleagues on the Republican side of the aisle for Ms. Berzon and Mr. Paez, and then he is saying, well, it is absurd that we do it for other things. I say this: Allow them to do it for judges today, they will do it for Social Security tomorrow. The same exact procedure could be used to block filibusters of legislation and of every single other thing that comes before this body. There is no difference. The Constitution doesn't mention the word ''filibuster.''

I don't know where it is divined in the heads of some of my colleagues from the other side of the aisle: It says it is for judges, but not for legislation. That is an activist reading of the Constitution if you ever heard one.

The bottom line is simple: We are appealing to those Members of the other side of the aisle who, unlike my friend from Utah, have thus far resisted the entreaties of the hard, hard, hard right, who have resisted the entreaties of the narrow few who are way out there and say to them: Have strength, have courage.

The basic makeup of our Senate is at stake. The checks and balances that Americans prize are at stake. The idea of bipartisanship, where you have to come together and can't just ram everything through because you have a narrow majority, is at stake. The very things we treasure and love about this grand Republic are at stake.

I, for one, am saddened by what is happening. I, for one, am surprised at what is happening. I, for one, hope and pray that it will not come to this. But I assure my colleagues, at least speaking for this Senator from New York, I will do everything I can to prevent the nuclear option from being invoked not for the sake of myself or my party but for the sake of this great Republic and its traditions.

I yield the remaining time to my colleague from Illinois, our great whip.

Mr. DURBIN. Mr. President, how much time remains in morning business?

The ACTING PRESIDENT pro tempore. There is 19 minutes 30 seconds.

Mr. DURBIN. If I might make an inquiry of my colleague from New Jersey, if he is going to seek recognition, I want to be sure and leave enough time for him to speak.

Mr. CORZINE. Mr. President, I believe 10 minutes, maybe a little bit less.

Mr. DURBIN. If the Chair would advise me when there are 10 minutes remaining, I will yield the remaining time to the Senator from New Jersey.

Let me first thank my colleague from New York for his excellent statement. Senator SCHUMER and I serve on the Senate Judiciary Committee. It is a committee where judges are initially considered. It is a tough assignment. When I came to the Senate from the House, I knew I would be voting on legislation, but more so in the Senate, you vote on people. That is a tougher call because it isn't in black and white. It isn't a matter of compromising, taking half of this and a quarter of the other. It is a question of making a judgment about a person. I find that a little more difficult—a lot more difficult, to be honest—and when it comes to judges, even more complicated because you aren't just putting a person in a temporary position. You are saying: Based on your life to this point, we are prepared to put you on the Federal bench for the rest of your natural life and trust your judgment that you will do the right thing by the Constitution and the American people.

Overwhelmingly, we find whether the President is a Democrat or Republican, the Senate says: Fine, we approve. The nominee is a good person. We will go forward.

What has happened here is interesting. We have, so far with President Bush in the White House, considered on

the floor of the Senate 218 nominees by President Bush for the Federal judiciary. The President has that power. The Senate has the power to advise—that is, review and consider—and consent, if it chooses. Out of the 218 names sent by President Bush to the floor of the Senate, we have approved 208 of those names. So we are at a point now where we have 10 out of those 218 who have not been approved. More than 95 percent of the President's nominees have been approved.

You would say to yourself: This President is doing well. Whether he sends us conservatives of one stripe or the other, the Senate has approved them. We have sent them to the bench to lifetime appointments.

The President, after his reelection, comes to the Congress and says: That is not good enough. I want them all. I want every single one of them. I don't believe I should be held to the standard that every other President has been held to.

What is that standard? It is not just a simple majority vote. The Senate is a different place. It was created by the Constitution as a different institution. States large and small have the same number of Senators. States large and small send Senators to the Chamber, men and women who have the authority under our rules to demand an extraordinary vote.

People on the outside say: When I go to the city council meeting, it is a majority vote. When I go to the garden club, it is a majority vote. Why isn't it a majority vote in the Senate?

Because the Senate is a different place. When the Founding Fathers wrote the Constitution, they said the Senate, more than any institution in the Government of America, will be a place that respects and recognizes the rights of a minority.

For those who follow classic movies, Jimmy Stewart in ''Mr. Smith Goes to Washington,'' one Senator, idealistic and determined, took to the floor of the Senate and started a speech and, frankly, finally crumbled because he was so tired and had to end his speech. But he demonstrated the reality of the Senate, that one Senator, regardless of where they are from, a State large or small, regardless if they are the only Senator who holds that point of view, can stand up and argue that point of view. That was built into our Constitution, certainly into the tradition of the Senate. That is why 10 of President Bush's nominees have not been approved because, in this situation, they couldn't find 60 Senators who would stand up and say: Stop the debate, vote on that nominee. That is the rule of the Senate.

President Bush has said: I want to change it, to change the rules of the Senate in the middle of the game. I want to go after this whole concept of the power of the Senate, the power of checks and balances, I want more power in the White House, I want more power in the Presidency. That is not new. Presidents throughout history have always said they wanted more power than they had. Usually, the Congress stood up to them and said no.

The Constitution is more important than any single President. Thomas Jefferson, when he was elected to his second term, came to the Senate and said: I want the power to remove those Federalist judges from the Supreme Court; They disagree with my political philosophy; I want to get rid of them.

His own party said: No, President Jefferson. As important as you are, as much as we agree with you, the Constitution and traditions of the Senate are more important. And they voted him down.

President Roosevelt, one of our greatest Presidents, in the beginning of his second term, with the power of the national mandate behind him, said to the Senate: Do something about that damnable Supreme Court that won't approve my New Deal. Allow me to put more Justices on the Court until I can have my way politically.

His political body in this Senate said: Mr. President, we are Democrats, we respect you, we voted for you, we are for the New Deal, but you are wrong. You cannot come to us and ask for more Presidential power at the expense of the Constitution, at the expense of Senate traditions and values. They turned him down.

Look what happens today. President Bush, fresh from a victory of 51.5 percent in this election, comes to this body and says: I want more power in the Presidency.

What does he hear from his own party in the Senate? Sadly, it is: Whatever you want, Mr. President.

Mickey Edwards, a former Congressman from Oklahoma, who was quoted in the Washington Post this morning, gets it right. He said what amazes him about this debate is that Congress isn't standing up for its own constitutional responsibilities and rights. Congress is acquiescing in this effort by the President to take on more power so that he cannot be questioned and challenged when he puts people on the Federal bench for a lifetime.

Mr. President, I will submit for the RECORD a list of over 50 newspapers that have endorsed President Bush in 2000, 2004, or both, and have said that the President is wrong when it comes to this effort to increase Presidential power in the White House.

I ask unanimous consent to have that printed in the RECORD.

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

Albuquerque Journal [NM], The Albuquerque Tribune [NM], The Arizona Republic [Phoenix], Arkansas Democrat & Gazette, Austin American-Statesman [TX], Bangor Daily News [ME], Birmingham Post Herald [AL], Chicago Tribune, The Cincinnati Enquirer [OH], and The Cincinnati Post [OH].

The Clarion-Ledger [Jackson, MS], Columbia Daily Tribune [MO], The Commercial Appeal [Memphis, TN], Contra Costa Times [CA], Corpus Christi Caller-Times [TX], Courier-Post [Camden, NJ], The Daily Camera [CO], The Dallas Morning News [TX], and The Day [New London, CT].

The Denver Post, Easton Star-Democrat [MD], Fort Worth Star Telegram [TX], The Grand Island Independent [NE], The Hartford Courant [CT], The Herald [Bradenton, FL], Houston Chronicle [TX], The Idaho Statesman, The Indianapolis Star [IN], and Journal Star [Peoria, IL].

Kalamazoo Gazette [MI], The Knoxville News-Sentinel [TN], La Crosse Tribune [WI], Lincoln Journal Star [NE], Loveland Daily-Reporter Herald [CO], The Morning Call [Allentown, PA], The Muskegon Chronicle [MI], Muskogee Daily Phoenix & Times-Democrat [OK], New Haven Register [CT], and The News Leader [Staunton, VA].

The Omaha World-Herald [NE], The Oregonian, Orlando Sentinel [FL], The Oshkosh Northwestern [WI], The Palladium-Item [IN], The Plain Dealer [Cleveland, OH], Poughkeepsie Journal [NY], Quad City Times [Davenport, IA], The Record [Troy, NY], and Salt Lake Tribune.

San Antonio Express-News [TX], Savannah Morning News [GA], Seattle Times [WA], San Diego Union Tribune, The State [Columbia, SC], The Tri-City Herald [WA], Ventura County Star [CA], The Wichita Eagle [KS], Winston-Salem Journal [NC], and York Daily Record [PA].

Mr. DURBIN. Mr. President, let me tell you, I listen to the talk shows, and I hear people say that until these judicial nominees were challenged with extended debate or filibuster, it never happened before. I will also submit for the RECORD, for the third time, this chart which shows on 11 or 12 different occasions when a filibuster was invoked on judicial nominees throughout history, including Supreme Court Justices. This is not new, not novel. It is certainly not earth shattering. It has happened before.

I ask unanimous consent that it be printed in the RECORD.

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

HISTORY OF FILIBUSTERS AND JUDGES

Prior to the start of the George W. Bush administration in 2001, the following 11 judicial nominations needed 60 (or more) votes—cloture—in order to end a filibuster:

1881: Stanley Matthew to be a Supreme Court Justice

1968: Abe Fortas to be Chief Justice of the Supreme Court (cloture required 2/3 of those voting)

1971: William Rehnquist to be a Supreme Court Justice (cloture required 2/3 of those voting)

1980: Stephen Breyer to be a Judge on the First Circuit Court of Appeals

1984: J. Harvie Wilkinson to be a Judge on the Fourth Circuit Court of Appeals

1986: Sidney Fitzwater to be a Judge for the Northern District of Texas

1986: William Rehnquist to be Chief Justice of the Supreme Court

1992: Edward Earl Carnes, Jr. to be a Judge on the Eleventh Circuit Court of Appeals

1994: H. Lee Sarokin to be a Judge on the Third Circuit Court of Appeals

1999: Brian Theadore Stewart to be a Judge for the District of Utah

2000: Richard Paez to be a Judge on the Ninth Circuit Court of Appeals

2000: Marsha Berzon to be a Judge on the Ninth Circuit Court of Appeals

Because of a filibuster, cloture was filed on the following two judicial nominations, but was later withdrawn:

1986: Daniel Manion to be a Judge on the Seventh Circuit Court of Appeals Senator Biden told then Majority Leader Bob Dole that ''he was ready to call off an expected filibuster and vote immediately on Manion's nomination.''—Congressional Quarterly Almanac, 1986.

1994: Rosemary Barkett to be a Judge on the Eleventh Circuit Court of Appeals ''. . . lacking the votes to sustain a filibuster, Republicans agreed to proceed to a confirmation vote after Democrats agreed to a daylong debate on the nomination.''—Congressional Quarterly Almanac, 1994.

Following are comments by Republicans during the filibuster on the Paez and Berzon nominations in 2000, confirming that there was, in fact, a filibuster:

''. . . it is no secret that I have been the person who has filibustered these two nominations, Judge Berzon and Judge Paez.''—Senator Bob Smith, March 9, 2000

''So don't tell me we haven't filibustered judges and that we don't have the right to filibuster judges on the floor of the Senate. Of course we do. That is our constitutional role.''—Senator Bob Smith, March 7, 2000

''Indeed, I must confess to being somewhat baffled that, after a filibuster is cut off by cloture, the Senate could still delay a final vote on the nomination.''—Senator Orrin Hatch, March 9, 2000, when a Senator offered a motion to indefinitely postpone the Paez nomination after cloture had been invoked

In 2000, during consideration of the Paez nomination, the following Senator was among those who voted to continue the filibuster:

Senator Bill Frist—Vote #37, 106th Congress, Second Session, March 8, 2000.

Mr. DURBIN. Mr. President, let me tell you something else that troubles me. How much time do I have?

The ACTING PRESIDENT pro tempore. Almost 12 minutes.

Mr. DURBIN. So I will be notified in 2 minutes.

There is something more at stake here that is even more important than the power of the President and the tradition of the Senate, and that is the independence of the judiciary. You cannot turn on the television or radio without hearing from some special interest group criticizing the Federal judiciary. I have been critical of individual decisions. I can point to some, including one that was made in the State of Florida in 2000. But to come to the floor and say let's get rid of the people making the decisions, take the power of Congress and control the judiciary, that is a mistake. An independent, fair, and balanced judiciary is critical for America.

When I hear Members of Congress and special interest groups saying they want to use this nuclear option, the power of Congress, to take control of the Federal judiciary, I am concerned. That is a power grab far beyond violating the traditions and rules of the Senate. It says they are going to try to show control and exert authority over a branch of the Government which has always been independent.

I will submit a transcript of a program on May 1 from ''This Week With George Stephanopolous.'' It is an interview with Pat Robertson.

I ask unanimous consent that it be printed in the RECORD.

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

[ABC News Transcripts, May 1, 2005]

THIS WEEK WITH GEORGE STEPHANOPOULOS

PAT ROBERTSON INTERVIEW

President George W. Bush, United States: ''Role of religion in our society, I view religion as a personal matter. I think a person ought to be judged on how he or she lives his life, lives her life, and that's how I've tried to live my life through example. Faith plays an important part in my life individually, but I don't ascribe a person's opposing my nominations to an issue of faith.''

George Stephanopoulos, ABC News: (Off Camera) That was President Bush in his prime time press conference Thursday night talking about religion and public life and now for more on this I'm joined from Virginia Beach by reverend Pat Robertson. Good morning reverend Robertson.

Pat Robertson, Chairman, Christian Broadcasting Network: Good morning, George.

George Stephanopoulos: (Off Camera) You know, the president seemed to be putting some distance between himself and people like you, allies like you who have cast this battle over judges in more religious terms. Do you now accept the president's belief that those who want to preserve the filibuster for judges are not fighting against people of faith?

Pat Robertson: George, I've never said that. I've said some things about the judges, but I think this filibuster thing strictly is an attempt to please the People for the American Way and the ultra left. I think the Democrats are catering to them, but, you know, in the entire history of the United States of America, there has never been a judge who has been refused a.vote when there was a majority of Senators willing to vote for his confirmation, never in history. This filibuster in the last two years is unprecedented in our history.

George Stephanopoulos: (Off Camera) But, sir, you have described this in pretty, this whole battle in pretty apocalyptic terms. You've said that Liberals are engaged in an all-out assault on Christianity, that Democrats will appoint judges who don't share our Christian values and will dismantle Christian culture, and that the out-of-control judiciary, and this was in your last book ''Courting Disaster'' is the most serious threat America has faced in nearly 400 years of history, more serious than al Qaeda, more serious than Nazi Germany and Japan, more serious than the Civil War?

Pat Robertson: George, I really believe that. I think they are destroying the fabric that hold our nation together. There is an assault on marriage. There's an assault on human sexuality, as Judge Scalia said, they've taken sides in the culture war and on top of that if we have a democracy, the democratic processes should be that we can elect representatives who will share our point of view and vote those things into law.

George Stephanopoulos: (Off Camera) But, sir, let me just stop you there. How can you say that these judges are a more serious threat than Islamic terrorists who slammed into the World Trade Center?

Pat Robertson: It depends on how you look at culture. If you look over the course of a hundred years, I think the gradual erosion of the consensus that's held our country together is probably more serious than a few bearded terrorists who fly into buildings. I think we're going to control al Qaeda. I think we're going to get Osama bin Laden. We won in Afghanistan. We won in Iraq, and we can contain that. But if there's an erosion at home, you know, Thomas Jefferson warned about a tyranny of an oligarchy and if we surrender our democracy to the tyranny of an oligarchy, we've made a terrible mistake.

George Stephanopoulos: (Off Camera) You know, President Bush at that press conference also said that he believes you're equally American whether you're Christan, Muslim, or Jew, and I wonder if you fully accept that, because in the past, you've said that you believe that only Christians and Jews are qualified to serve in the government. Is that still your belief?

Pat Robertson: Well, you know, Thomas Jefferson, who was the author of the Declaration of Independence said he wouldn't have any atheists in his cabinet because atheists wouldn't swear an oath to God. That was Jefferson and we have never had any Muslims in the cabinet. I didn't say serve in government. I said in my cabinet if I were elected president, and I think a president has a right to take people who share his point of view, and I would think that would be . . .

George Stephanopoulos: (Off Camera) Well, wait a second. Let me just stop you there. 'Cause in your book ''The New World Order'' you wrote, '' 'How dare you maintain that those who believe in the Judeo-Christian values are better qualified to govern America than Hindus or Muslims.' My simple answer is, 'yes, they are.' '' Does that mean no Hindu and Muslim judges?

Pat Robertson: Right now, I think people who feel that there should be a jihad against America, read what the Islamic people say. They divide the world into two spheres, Dar al Islam Dar al Harb. The Dar al Islam are those who've submitted to Islam, Dar al Harb are those who are in the land of war and they have said in the Koran there's a war against all the infidels. So do you want somebody like that sitting as a judge? I wouldn't.

George Stephanopoulos: (Off Camera) So I take it then the answer to the question is that you believe that only Christians and Jews are qualified to serve in the Federal judiciary?

Pat Robertson: Um, I'm not sure I'd make such a broad, sweeping statement, but I just feel that those who share the philosophy of the founders of this nation, who assent to the principles of the Declaration of Independence, who assent to the principles that underlie the constitution, such people are the ones that should be judges, and the thing that I'm opposed to about judges is the thought that this is a living document that can be manipulated at the will of five out of nine judge, nonelected judges. It's the tyranny of an oligarchy that I'm concerned about.

George Stephanopoulos: (Off Camera) You said also that you believe Democrats appoint judges who ''don't share our Christian values'' and will ''dismantle Christian culture.'' So do you believe that Justice Breyer and Justice Ginsburg, who were appointed by President Clinton, are trying to dismantle Christian culture?

Pat Robertson: Justice Ginsburg served as a general counsel for the American Civil Liberties Union, ACLU. That was founded, as you probably know, by about three members of the Communist Internationale. Their leader, Baldwin, said that he wanted to be a Communist and wanted to make this . . .

George Stephanopoulos: (Off Camera) So she's a Communist?

Pat Robertson: He was. He said, it's in my book. I mean, he said it. He made a declaration. He said I want to make America a workers' state, breed Communists.

George Stephanopoulos: (Off Camera) But I was asking about Justice Ginsburg. And you now seem to be trying to equate her with these Communists.

Pat Robertson: Well, she was the general counsel for this organization whose purpose right now is to rid religion from the public square. That's they are announced. We've had Nadine Strasser down here to our university in a debate. She's a very pleasant lady but that's what she said was her avowed goal, to take all religion from the public square. That's their initiative and Justice Ginsburg served as their general counsel, so . . .

George Stephanopoulos: (Off Camera) Let's turn to some broader issues. You spoke at the beginning of the year on ''The 700 Club'' and said that you had been praying and God had given you some predictions about President Bush's second term. Let me show you that.

Pat Robertson: What I heard was that Bush is now positioned to have victory after victory. He'll have Social Security reform passed, that he'll have tax reform passed, that he'll have conservative judges on the courts.

George Stephanopoulos: (Off Camera) So that's what you heard on January 3rd. Do you think you might have misinterpreted?

Pat Robertson: No, I think he's got a winning hand on Social Security, George, despite what Nancy Pelosi says. The Social Security, as you know is going into deficit in 2018. It's not 2042 or '52. What they've been doing is taking a surplus of the money that we all pay into Social Security and they've used it to fund the Federal deficit and there is no trust fund. That's an illusion and it's going into deficit. There won't be any more excess for the Federal Government in 2018. We're hitting into a crisis mode and I think the president as far as younger workers concerned, he has a winning hand, and I think the Democrats are holding on to something that Franklin Delano Roosevelt did in the '30s and they look like a bunch of mossbacks. It is time they, they, they, they get some new ideas. You said it right when you were interviewing her.

George Stephanopoulos: (Off Camera) You know reverend Robertson, the God you describe is taking a very active direct role in our lives. One of the earlier clips we showed, said, you had Him saying I am removing justices from the supreme court and I'm just wondering why does a God who is so involved in our daily life, so directly involved allow something like a tsunami to kill several hundred thousand people in Asia?

Pat Robertson: I don't think He reverses the laws of nature. The reason for that tsunami was the shifting of tectonic plates in the Indian Ocean. I don't think He changes the magma in volcanoes and I don't think He changes the wind currents to bring about hurricanes, so I don't attribute that to God or His lack or otherwise but in terms of human affairs I do think he answers prayer and I think there have been literally millions of people praying for a change in the supreme court. The people of faith in this country feel they're on a tyranny and they see their liberties taken away from them and they've been beseeching God, fasting and praying for years, so I think he hears and answers their prayers.

George Stephanopoulos: (Off Camera) You know, let's look ahead to 2008. The jockeying has already begun and of all the candidates looking for the nomination on the Republican side, which one do you believe is best positioned to get the support of religious conservatives like you?

Pat Robertson: You know, it's really hard to pick a winner right now. There's an outstanding Senator from Kansas who I think would be looking for it. He certainly represents the . . .

George Stephanopoulos: (Off Camera) Sam Brownback?

Pat Robertson: Brownback, he's a super guy. I think George Allen from Virginia was a distinguished governor, he's a distinguished senator and head of the senatorial campaign committee and won some significant victories. He is a very attractive guy and would make a tremendous president. So there are a couple. I don't know who else is out there jockeying, I'm sure Karl Rove has a candidate that he hasn't told us about.

George Stephanopoulos: (Off Camera) You didn't mention Bill Frist. I'm surprised about that.

Pat Robertson: Uh, Bill is a wonderfully compassionate human being. He is a humanitarian. He goes on medical missions. He is a delightful person. I just don't see him as a future president. And I think he said he didn't want to run for president. Maybe I'm putting words in his mouth.

George Stephanopoulos: (Off Camera) I think he's looking at it. Let me ask you one other question on that and then I'll let you go.

Pat Robertson: Okay.

George Stephanopoulos: (Off Camera) If the party chooses a moderate like John McCain or Rudy Giuliani, do you think religious conservatives will split off and form a third party movement?

Pat Robertson: I don't think so. Rudy is a very good friend of mine and I think he did a super job running the City of New York and I think he'd make a good president. I like him a lot, although he doesn't share all of my particular points of view on social issues. He's a very dedicated Catholic and he is a great guy. McCain I'd vote against under any circumstance.

George Stephanopoulos: (Off Camera) Reverend Robertson, thank you very much.

Pat Robertson: Okay, thank you.

George Stephanopoulos: (Off Camera) The roundtable is next. George will, Terry Moran, and Linda Douglass weigh in on the president's first 100 days, and in ''The Funnies'' it's Laura's turn.

Laura Bush, First Lady: I was a librarian who spent 12 hours a day in the library, yet somehow I met George.

Mr. DURBIN. Mr. President, this is a strident voice among some in this country who came out and said he believed that the real threat to America was not terrorism but men and women wearing judicial robes. He thought that was a much greater threat. That gives you an idea of the extreme rhetoric. We cannot let this happen. Whether the Democrats are in control or out of control, whether Republicans control today or tomorrow is secondary. We all swear to uphold the Constitution.

I will yield the floor to my colleague from New Jersey at this point. I hope those following this debate will consider the constitutional issues at stake.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I also believe we must defend the independence of the judiciary, and I think the comments of both the Senator from Illinois and the Senator from New York regarding this subject are ones that need to be understood and need to be brought forward on the floor as we consider the potential for what I believe is changing the basic nature of how our courts are put together and their independence.

GENOCIDE IN DARFUR

Mr. CORZINE. Mr. President, this morning I rise to speak about the tragedy and human crisis—yes, the genocide—in Darfur, Sudan, and the failure of our Nation to do everything we can do to stop the killing and save the lives of the well over 2 million people who are displaced in Darfur. Just a few weeks ago on the Senate floor, we passed the Darfur Accountability Act offered by Senator BROWNBACK and myself, an amendment to the supplemental appropriations bill which we will be voting on, and I will be supporting today, or in the next several days as it comes out of conference.

The Darfur Accountability Act provided the tools and sets out the policies needed to confront this grave humanitarian crisis that exists in the Sudan. It also had broad bipartisan support and 30 cosponsors from both sides of the aisle.

It passed by unanimous consent on the floor of the Senate. Yet, inexplicably, the amendment was stripped from the bill in conference—all of it, including support for African Union forces, the call for a military no-fly zone, the extension of the arms embargo to the Government of Sudan, and the authority to freeze the assets and deny visas to those responsible for genocide and crimes against humanity. Even the Senate's statement that the atrocities in Sudan are genocide was removed.

Mr. President, I find it hard to comprehend how these policies, which hold the possibility of saving thousands, if not hundreds of thousands of lives, could be opposed by the House, the administration, or whoever. Sadly, the people of Darfur will be paying for the indifference and, in turn, we will be ignoring the values of the American people who hold us accountable for calling genocide what it is and pushing to stop it.

The contrast between our words and deeds seems to grow almost by the hour. Just today, in Georgia, President Bush stated:

> We are living in historic times when freedom is advancing, from the Black Sea to the Caspian, and to the Persian Gulf and beyond.

I guess that is not happening in the Sudan. At the same time we are challenging autocrats around the world, it seems we are seeking accommodation with what I consider a barbarous government in Sudan.

At the same time we are saying we are standing with those who stand for freedom, we are turning our backs on the human rights of the people of Darfur. It is not enough to say that because the Sudanese Government shows some signs of cooperation on some fronts, this justifies our turning our backs on that Government's criminal attacks on their own people. It sounds almost like a speech I heard over the weekend. How can we ignore our own values when it comes to Africa? Is not every human life of equal worth?

One of this generation's great moral voices, Elie Wiesel, understood that

our values are universal. Speaking on Darfur last year, he asked:

How can a citizen of a free country not pay attention? How can anyone, anywhere, not feel outraged? How can a person, whether religious or secular, not be moved by compassion? And above all, how can anyone who remembers remain silent?

Mr. President, I just returned from the region. Unfortunately, the Government of Sudan denied me the visa that I needed to visit the camps inside Sudan. Instead, I went to Chad, where there are about 200,000 displaced refugees from Darfur.

What do the Sudanese have to hide? Why would they prevent a U.S. Senator from visiting. In the camp I visited in Chad, I received reports of continued attacks on civilians, as well as a growing fear of an imminent humanitarian crisis afflicting the 2 million displaced Darfurians. But it is when monitors are denied access, when there are no reports, that the atrocities are always the most grave and can continue.

We need transparency. This is not about one Senator. The Sudanese have obstructed access by African Union monitors. Human rights advocates and journalists have been denied entry. Humanitarian organizations have been harassed and, when they actually get there, some have actually been killed.

We need to shine a light on this problem. I visited some of the victims last week in eastern Chad. Here is a picture of some of the folks in one of the camps. Hundreds of these men and women desperately want to go home. They were in Chad because of the brutal violence in their own country, brought on by the Sudanese Government. They were chased from their villages. None of them felt safe to return. None of them would return.

This sentiment matches what we hear in Darfur, where we were last fall. Hundreds of thousands of civilians were in these IDP camps, approaching 2 million. Meanwhile, the Darfur refugees in Chad are barely getting by. I can tell you that the conditions are difficult. U.N. agencies and humanitarian organizations are doing everything they can, a heroic job of getting assistance to these camps. But I have to tell you, there is a serious shortfall between a quality of life that is just sustainable and reality. The terrain in eastern Chad is dry, infertile and, frankly, the environment is bleak. It barely supports the Chadians who live in the area. There is not enough water and certainly limited amounts of food. It needs to change.

That is why we need to speak out and we have to be forceful. That is why one of the provisions in the Darfur Accountability Act I think is most important, and that is the appointment of a special envoy.

Mr. President, stopping genocide is a moral challenge that requires courage and resources. But it also requires attention every day—real diplomatic engagement to make sure we are moving the ball forward in this process. In Chad, I met with President Deby and also with members of the joint commission—Chadians engaged in diplomatic negotiations between the Government of Sudan and the Darfur rebels. We met with the rebels themselves. People want peace. We met with people in the African Union in Addis Ababa, Ethiopia.

Bringing these players together—not to mention the parties in the north-south agreement in Sudan, the EU, NATO, and U.N. Security Council members—is a full time job. It needs the attention of an individual to make sure that those negotiations don't go adrift. We need that attention now. It is critical. The Darfur Accountability Act asked for this, encouraged this, and it is not happening. It is not sufficient enough to have a one-time trip by the Deputy Secretary of State to Sudan to think that we are paying enough attention or putting on enough pressure. In fact, we don't have an ambassador in the Sudan. We don't have an official representative to the African Union. We need to be paying attention. That is why Senator BROWNBACK and myself offered the amendment to the supplemental. That is why we have asked for additional funding, some of which was included in the supplemental, and I am grateful for the fact that Senators DEWINE and BROWNBACK, DURBIN, LEAHY, and OBAMA were able to provide $50 million more for the African Union. But some of the humanitarian assistance was pulled back for reasons allocated to other difficult places that also demand need.

It is essential if we are going to stop this killing, stop the genocide, that we react now, that we pay attention, that we do the things that will allow the African Union's deployment to be successful—only 2,200 people in an area the size of France. We need to have a minimum of 6,000, maybe as many as 10,000. That mission needs to be financed. The supplemental was where we could do much of this. Some of that we stepped back from.

Our values as a nation and our national security require us to speak up and confront these problems.

The ACTING PRESIDENT pro tempore. All time in morning business has now expired.

Mr. CORZINE. I thank the Presiding Officer. I hope my colleagues will consider this legislation when we bring it back to the floor. It needs to be fought for.

I thank the Chair. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF ACT, 2005—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 1268, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1268), making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of conferees on the part of both Houses.

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 3, 2005.)

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, the Senate now has under consideration the conference report to accompany H.R. 1268, the fiscal year 2005 emergency supplemental appropriations bill. This bill was requested by the President to carry forward the spending and accounts of the Department of Defense, the Department of State, and other agencies and departments of the Government through the remainder of this fiscal year which will end on September 30.

The bill was passed in the Senate on April 21, and we began conference discussions with our colleagues from the other body on April 27. A bipartisan majority of the conferees reconciled differences between the two bills and reached agreement on the provisions of a conference report on Tuesday, May 3.

The House approved the conference report on May 5 by a rollcall vote of 368 to 58. The conference agreement provides a total of $82.041 billion, slightly less than the President's request of $82.042 billion. Almost $76 billion in emergency supplemental appropriations is provided to the Department of Defense to cover the costs of continuing the operations in Iraq and Afghanistan.

Title II of the conference agreement provides $4.128 billion for international programs and assistance for reconstruction and the war on terror. Title III provides $1.184 billion for domestic programs in the war on terror. And title IV provides $907 million in relief for the Indian Ocean tsunami disaster.

Finally, division B of the conference agreement carries the House-passed REAL ID Act and other provisions relating to immigration issues.

This conference agreement embodies a genuine compromise between the two bodies on legislation that is of utmost importance to our troops who are deployed in the war on terror and for our allies around the world. It is supported by the administration, and I hope the bill, as reflected in the conference report, will receive bipartisan support in the Senate.

We are pleased to have the benefit of comments by other members of the committee or Senate to explain specific provisions of this conference agreement. We are prepared to try to respond to any questions that any Senators may have about the provisions of the conference report, and we will be hopeful, however, that the Senate will proceed with some dispatch to the approval of the conference report because it is an urgent supplemental appropriations conference report. The funds provided in this conference report are urgently needed by our forces in the field and by our State Department for accounts that have been depleted in connection with programs administered by that Department.

The administration is urging that we act quickly, and I hope we will not unnecessarily prolong consideration of the conference agreement in the Senate but respond enthusiastically with the challenge from the administration to act with dispatch on this conference report.

Mr. President, before I yield the floor, if I may have one more moment of indulgence from the Senator from California, on behalf of the majority leader, I ask unanimous consent that there be 3 hours and 15 minutes of debate under the control of the ranking member and 1½ hours of debate under the control of the chairman; provided further that following the use or yielding back of time, the Senate proceed to a vote on adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the distinguished chairman of the Appropriations Committee had indicated that I would be able to speak as in morning business, that he would not object. My concern is, with the time, if I will, in fact, have the time to complete my remarks.

Mr. COCHRAN. Mr. President, I have no objection to the Senator speaking as in morning business.

Mrs. FEINSTEIN. For such time as I may consume.

Mr. COCHRAN. I do not want her to talk forever.

Mrs. FEINSTEIN. No, it will not be forever.

Mr. COCHRAN. How long does the Senator expect to talk?

Mrs. FEINSTEIN. Probably a half hour.

Mr. COCHRAN. I have no objection, and I have no objection with that being done in spite of the agreement we have reached on the time for debate of the supplemental.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the chairman of the Appropriations Committee for his graciousness. I am pleased to serve on that committee. He has been nothing but fair always. That is very much appreciated. I would like to indicate my support for the supplemental appropriations. I do have concerns about the inclusion of the REAL ID Act in this bill, largely because it is the Judiciary Committee that is the committee of jurisdiction, and this very complicated act has not had the opportunity of a hearing or discussions or markup by members of that committee. That having been said, it is my intent to vote for the emergency supplemental.

I wish to speak during the remainder of my time on the so-called nuclear option and the majority leader's intention to remove the ability of the minority party to filibuster judicial nominations.

JUDICIAL NOMINATIONS

Mr. President, I speak today as a member of the Judiciary Committee for the past 12 years. In this capacity, I have worked with Members from both sides of the aisle and on nominations from both Democratic and Republican Presidents. In all, I voted to confirm 573 judges and have voted no on the Senate floor on 5 and voted against cloture on 11.

I evaluate each candidate on a case-by-case basis and thoroughly examine their writings, opinions, statements, temperament, and character. The fact that Federal judges are lifetime appointments weighs heavily. They do not come and go with an administration, as do Cabinet appointments. Rather, they cannot be removed from the bench except in extremely rare circumstances. In fact, in our Government's over 200-year history, only 11 Federal judges have been impeached, and of those, only 2 since 1936.

Over the years, we have had heated debates and strong disagreements over judicial nominees; however, that debate is what ensures the Senate confirms the best qualified candidates.

I am deeply troubled when our legitimate differences over an individual's qualifications to be given a lifetime appointment to the Federal bench become reduced to inflammatory rhetoric. I am even more concerned when rhetoric turns into open discussion about breaking Senate rules and turning the Senate into a body where might makes right.

I am here today because some Members on the other side of the aisle have decided that despite a constitution that is renowned worldwide and used as a model for emergent democracies, despite a confirmation rate of 95 percent of President Bush's judicial nominees, and despite the other pressing priorities that the American people want us to address, that the time has come to unravel our Government's fundamental principle of checks and balances. The majority has decided the time has come to unravel the Senate's traditional role of debate and that the time has come to break the rules and discard Senate precedent.

I am very concerned about this strategy. It is important to remember that once done, once broken, it will be hard to limit and hard to reverse. In fact, just last month, Senator COLEMAN stated on CNN:

> The President has a right to make appointments. They are not to be filibustered. They deserve an up-or-down vote. That's true for any kind of appointee, whether it's Under Secretary of State or a judge.

And this is exactly my point. First, the rules would be broken with regard to judicial nominees, then it is executive branch nominees, then it is legislation, and then the Senate has no rules at all and simply becomes a replication of the House of Representatives.

Every Thursday morning, I have a constituent breakfast, and at that breakfast I describe the difference between the House and the Senate based on something George Washington once said, that the House moves rapidly, is controlled totally by the party in power, and is akin to a cup of coffee. You drink your coffee out of the cup, but if it is too hot, you pour it into the saucer to cool it. And that is the Senate, the greatest so-called deliberative body on Earth, a place that fosters debate, often unlimited, and is basically based on the fact that no legislation is better than bad legislation. So the Senate by design was created to be a very different house than is the House of Representatives.

The strategy of a nuclear option will turn the Senate into a body that could have its rules broken or changed at any time by a majority of Senators unhappy with any position taken by the minority. As I said, this is not the Senate envisioned by our Founding Fathers, and it is not the Senate in which I have been proud to serve for the past 12 years.

I think it is important to take a look at history, as others have done, to understand the context of where this debate is rooted. The Founding Fathers and our early Pilgrims were escaping a tyrannical government where the average man, the common man, often did not have a voice and was often left without any say in its laws that governed him and his family. In response, these men specifically embedded language in the Constitution to provide checks and balances so that inherent in

our Government's design would be conflict and compromise, and it is precisely these checks and balances that have served to guarantee our freedoms for over 200 years.

When you read the Federalist Papers, discussions at the Constitutional Convention, and about the experience of America's first President, it is clear the Senate was never intended to be a rubberstamp. While it is often difficult to discern the original intent of a constitutional provision, the records of the Convention address the role of the Senate in the selection of Federal judges with unusual clarity.

Both the text of the appointments clause of the Constitution and the debates over its adoption strongly suggest that the Senate was expected to play an active and independent role in determining who should sit on the Nation's judiciary.

Throughout its deliberations, the Convention contemplated that the National Legislature in some form or another would play a substantial role in the selection of Federal judges. As a matter of fact, on May 29, 1787, the Convention began its work on the Constitution by taking up the Virginia plan, which provided:

> That a National Judiciary be established . . . to be chosen by the National Legislature.

Under this plan, the President was to have no role at all. One week later, James Madison modified the proposal so that the power of appointing judges would be given exclusively to the Senate rather than to the legislature as a whole. This motion was adopted without any objection. So the Senate had the entire authority.

Then less than 2 weeks before the Convention's work was done, for the first time the committee's draft provided that the President should have a role in the selection of judges.

However, giving the President the power to nominate judges was not seen as ousting the Senate from a central role. Governor Morris of Pennsylvania paraphrased the new provision as one giving the Senate the power to appoint judges nominated to them by the President. In other words, it was considered the Senate was the nomination body and the President simply recommended judges to the Senate.

The Convention, having repeatedly and decisively rejected the idea that the President should have the exclusive power to select judges, could not possibly have intended to reduce the Senate to a rubber stamp, but rather it created a strong Senate role to protect the independence of the judiciary. In fact, Alexander Hamilton, considered the strongest defender of Presidential power, emphasized that the President would be required to have his choice for the bench submitted to an independent body for debate, a decision, and a vote, not simply an affirmation. He clarified the necessary involvement of the Senate in Federalist No. 77 by writing:

> . . . if by influencing the President be meant restraining him, this is precisely what must have been intended.

Here is the emergence of a check, a balance, a leveling impact on the power of appointment, which is not to be unbridled.

In 1776, John Adams also wrote on the specific need for an independent judiciary and checks and balances. He said:

> The dignity and stability of government in all its branches, the morals of the people and every blessing of society, depends so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from both the legislative and executive, and independent upon both, that so it may be a check upon both, as both should be checked upon that . . . [The judges'] minds should not be distracted with jarring interests; they should not be dependent upon any man or body of men.

So it is clear, when examining the creation of our Constitution, that the Federal judiciary was specifically designed to be an independent, nonpartisan third branch, and the Senate was meant to play an active role in the selection process.

In addition, the experience of President Washington in appointing judges illustrates that from the outset the Senate took an active role in evaluating judicial nominees. In 1795, President George Washington nominated John Rutledge to be Chief Justice. Soon after his nomination, Rutledge assailed the newly negotiated and popular Jay Treaty with Britain. Even as Rutledge functioned as Acting Chief Justice, the Senate debated his nomination for 5 months, and in December 1795 the body rejected him 14 to 10, illustrating from the first administration that the Senate has always enjoyed a strong prerogative to confirm or reject nominees.

Now, use of procedural delays throughout history has prevented nominees from receiving an up-or-down vote. The claim that it is unprecedented to filibuster judicial nominations is simply untrue. In 1881, Republicans held a majority of seats in the Senate but were unable to end a filibuster to preclude a floor vote on President Rutherford B. Hayes's nomination of Senator Stanley Matthews to the Supreme Court. Matthews was renominated by incoming President James Garfield, and after a bitter debate in the Senate, was confirmed by a vote of 24 to 23. This has been described as the first recorded instance in which the filibuster was clearly and unambiguously deployed to defeat a judicial nomination.

Then, as has been stated on the Senate floor, there was the 1968 GOP-led filibuster against President Lyndon B. Johnson's nomination of Abe Fortas to be Chief Justice of the United States. At the time, a page 1 Washington Post story declared: ''Fortas Debate Opens With a Filibuster.''

The article read:

> A full-dress Republican-led filibuster broke out in the Senate yesterday against a motion to call up the nomination of Justice Abe Fortas for Chief Justice.

So here are two specific examples of Republican-led filibusters against judicial appointments.

Last Congress, the Congressional Research Service reported that filibusters and cloture votes have been required to end debate on numerous judicial appointments. CRS reported that since 1980, cloture motions have been filed on 14 court of appeals and district court nominations. We all know a cloture vote is another kind of filibuster. It is the kind of filibuster where one does not have to stand up on the floor, but it takes the same 60 votes to close off debate. Moreover, cloture petitions were necessary in 2000 to obtain votes on the nominations of both Richard Paez and Marsha Berzon to the Ninth Circuit after Republican opponents repeatedly delayed action on them, for over 4 years in the case of Paez.

In fact, at the time, Republican Senator Bob Smith openly declared he was leading a filibuster against Richard Paez and he described Senator SESSIONS as a member of his filibuster coalition.

In addition to using the filibuster and other procedural delays, Republicans have publicly pronounced the importance of these rules and their own desire to delay or block the confirmation of judges. As recently as 1996, Senator LOTT stated:

> The reason for the lack of action on the backlog of Clinton nominations was his steadily ringing office phone saying ''No more Clinton Federal judges.''

In 1996, Senator CRAIG said:

> There is a general feeling . . . that no more nominations should move. I think you'll see a progressive shutdown.

In 1994, Senator HATCH stated that the filibuster is ''one of the few tools that the minority has to protect itself and those the minority represents.''

How soon they forget. Recent Republican practices using anonymous holds allowing a single Senator, not 41, to prevent a hearing or a vote on a judicial nominee, in effect, has created a filibuster of one. All told, during the last administration, more than 60 judicial nominees suffered this fate. This practice was recently commented on in the Chicago Tribune which said:

> In addition, there are lots of congressional practices that defy majority rule. Under President Clinton, when Republicans controlled the Senate, they didn't have to use the filibuster to bottle up judicial nominations. The Judiciary Committee simply refused to send them to the floor for a vote.

That is true. I know. I was there. Remembering this history is important, not to point fingers or justify a tit-for-tat policy; instead, it is important to recall that Senate rules have been used throughout our history by both parties to implement a strong Senate role and ensure that Presidents do not attempt to weaken the independence of the judiciary.

The history is not new, and these examples have been cited by my colleagues in other contexts, and therefore, those on the other side have responded to the history. I believe it is important to address the differences that the other side is trying to draw.

Some have argued that the nomination by President Hayes of Senator Matthews of Ohio was not a filibuster because there was no cloture vote. This is true, however, a procedural delay denying a nominee confirmation to a court still has the result blocking a nomination. Trying to make a distinction about the procedures used to deny a nominee confirmation is a distinction without a difference.

As for the nomination of Abe Fortas—colleagues on the other side of the aisle have made various arguments including: that's only one isolated example; it was a Supreme Court, not a Circuit Court nominee; or Fortas' nomination was withdrawn after a failed cloture vote showed he did not have majority support and therefore its not the same situation.

Miguel Estrada and Carolyn Kuhl both withdrew their nominations after failed cloture votes, however both were used as examples of filibusters by Democrats.

Our colleagues have argued that the delays to the nominations of Richard Paez and Marsha Bershon do not count because in the end they were confirmed. This ignores that it took over four years to confirm both nominees. In addition, if a party attempts to filibuster a nomination, or legislation, and it is eventually passed that does not mean it is not a filibuster. It simply means that the filibuster or refusal to grant cloture cannot be sustained. That has happened to both parties in a variety of situations. However, failure does not undo the effort.

Finally, as to the other Clinton Administration nominees—the response given is that their nominations weren't defeated by a cloture vote on the floor. In essence the argument is because different procedural rules were used to defeat a nomination, it doesn't count. On its face, this argument doesn't hold water. To the nominee whether their confirmation failed because of a ''hold'' in Committee, or a failed cloture vote, the result is the same—they are not sitting on the bench.

Dozens of Clinton's nominees were ''pocket filibustered'' by as little as one Senator who, in secret, prevented the nominees from receiving a hearing in Committee, or a mark-up, or a floor vote. One Senator without debate or reason has stopped many Clinton nominees.

The question I have is whether the public interest is better served by one hidden filibuster without explanation, or 41 Senators debating publicly and refusing publicly to confirm the nominee. Clearly, it is the later.

I would like to go over a few nominees from the last administration who have been filibustered by Republicans, and filibustered successfully on many occasions by as little a number as one Republican; filibustered in a way that it was secret; filibustered in a way that the individual never received a hearing or a markup in Judiciary or a vote on the Senate floor. Then I would like an answer to the question, which is better, a filibuster by 40 Members on the floor openly declared, publicly debating, discussing an individual's past speeches, an individual's temperament, character, opinions, or a filibuster in secret when one does not know who or why?

I begin with Clarence Sundram. Clarence Sundram was the chairman of the New York Commission for the Mentally Disabled. He was nominated on September 29, 1995. He had hearings on July 31, 1996, and June 25, 1997. There was no committee vote. There was no floor vote. His nomination was simply killed in committee by a filibuster of one or two, or the chairman's decision not to bring the nomination to the floor. He was supported by both home State Senators Moynihan and D'Amato. On seven occasions, Senator LEAHY spoke on the Senate floor urging that a vote be taken on Sundram, but no vote was ever taken.

James A. Beaty, Jr., was nominated to the U.S. Court of Appeals for the Fourth Circuit on December 22, 1995, and renominated on January 7, 1997. He did not receive a hearing and was not voted on in committee. His nomination languished for more than 1,000 days, almost 3 years without any action being taken. He was nominated by President Clinton to be a judge on the U.S. District Court for the Middle District of North Carolina. He was finally confirmed by the Senate in 1994.

Before that, he spent 13 years as a judge in the North Carolina Superior Court. He was blocked by Senator Helms. On November 21, 1998, National Journal reported that Senator Helms wanted President Clinton to name to the Fourth Circuit one of the Senator's proteges, Terrence W. Boyle, whose nomination to that bench was killed when the Democrats ruled the Senate and George Bush was President, but the Clinton White House refused and Senator Helms made it clear that President Clinton would not get Beaty confirmed until he nominated Boyle.

Then Senator Helms supported Beaty when he was nominated for his current position as a U.S. district court judge. But this shows how things worked, where one person could deny a nomination.

Then there is Helene White from the State of Michigan. She was nominated to the U.S. Court of Appeals for the Sixth Circuit on January 7, 1997, and renominated on January 26, 1999, and renominated for a third time on January 3, 2001. She did not receive a hearing or a committee vote during the pendency of her nomination. She had waited for a Senate Judiciary Committee hearing for 4 years, longer than any other judicial nominee in history, according to the Associated Press. She had been a judge on the Michigan Court of Appeals. She served as a Wayne County circuit judge for nearly 10 years. She sat on the Common Pleas Court for the city of Detroit and served on the board of directors of the Michigan legal services. President Clinton thanked her for hanging in there through an ordeal that no one should have to endure. It is my understanding Senator LEVIN, one of the Michigan Senators, supported her. Senator Abraham waited 2 years before turning in his blue slip, and after turning in the blue slip did not endorse Ms. White. That, again, is how things worked. One person—not 41 people on the floor debating but 1 person—in secret holding up a nominee. That is just as much a filibuster, and even more effective a filibuster.

Jorge Rangel was nominated to the U.S. Court of Appeals for the Fifth Circuit on July 24, 1997. He did not receive a hearing or a vote in committee. He was a partner in Rangel & Chriss, a Corpus Christi law firm, and specialized in personal injury, libel, and general media litigation. He was presiding judge of the 347th District Court in Nueces County from October of 1983 to June of 1985, and a former assistant professor of law at the University of Houston. He was originally recommended to the White House by Senator Bob Krueger, but removed his name from consideration because, according to a July 25, 1997 Dallas Morning News article, he was then a member of the American Bar Association Panel that reviews federal court nominees, which made him ineligible. He was subsequently nominated after he was no longer on the ABA panel, at which time, Texas Monthly has reported, he was blocked by his two home state Senators. So, two persons there.

Barry Goode was nominated to the U.S. Court of Appeals for the Ninth Circuit in 1998, renominated January 26, 1999, and renominated a third time on January 3, 2001, just before President Clinton left office—three tries. He waited for 2½ years without a hearing or a vote in committee. He was a partner at the time at the San Francisco law firm of McCutchen, Doyle, Brown & Enersen. He had practiced law since 1974. He was an adjunct professor of environmental law at the University of San Francisco and served 2 years as special assistant to Senator Adlai E. Stevenson III. The ABA rated him as qualified. He was supported by both myself and Senator BOXER. The reason for the block was an anonymous Republican who, to this day, is not known. Senator LEAHY spoke at least eight times on the Senate floor, urging that Goode's nomination be considered, but a filibuster of one, hidden, in secret, nobody knowing who it was, essentially killed this nomination.

Legrome Davis was nominated to the U.S. District Court for the Eastern District of Pennsylvania on July 30, 1998, and renominated on January 26, 1999. He did not receive a hearing or a vote

from the Judiciary Committee during the nearly 2½ years his nomination was pending. President Bush renominated Davis to the same court at Senator SPECTER's request on January 23, 2002, and he was finally confirmed by a unanimous vote of the Senate on April 18, 2002. But the point was he was stopped for nearly 2½ years by an unknown individual.

Lynnette Norton was nominated to the U.S. District Court for the Western District of Pennsylvania on April 29, 1998, and renominated on January 26, 1999. She did not receive a hearing or a vote in committee during the more than 2½ years her nomination was pending. She died suddenly in March 2002 of a cerebral aneurysm. It is my understanding Senator SPECTER supported Norton. Senator SANTORUM, I believe, did not return the blue slip. According to a November 18, 1999 article in the Philadelphia Inquirer, a hold was placed on Ms. Norton's nomination.

H. Alston Johnson was nominated to the U.S. Court of Appeals for the Fifth Circuit on April 22, 1999, and renominated on January 4, 2001. Despite waiting over a year and a half, he did not receive a hearing or a vote in committee. His nomination was withdrawn by President Bush on March 19, 2001. He was supported by both home State Senators, Senators Breaux and LANDRIEU. According to articles in the Baton Rouge Advocate on July 10, 2000, and January 8, 2001, it is my understanding an individual Senator blocked his nomination from proceeding, even though both Republicans and Democrats appeared willing to confirm him.

James E. Duffy, Jr. was nominated to the U.S. Court of Appeals for the Ninth Circuit on June 17, 1999, and renominated on January 3, 2001. He did not receive a hearing or vote in committee. He is from Honolulu, had been a litigator for his entire legal career, been a partner in the Honolulu law firm of Fujiyama, Duffy, and Fujiyama since 1975. He was former president of both the Hawaii State Bar and the Hawaii Trial Lawyers Association. He would have been the first active Hawaii member of the Ninth Circuit Court of Appeals in 15 years, despite rules that at least 1 judge must sit in each of the States within the Ninth Circuit. He was unanimously rated as well qualified. He was supported by both Hawaii Senators. There has been no explanation forthcoming of who blocked his progress. Again, a secret hold, one person. Two home State Senators supporting this individual and the individual does not go forward. That is as much a filibuster as anything going on on the floor at this time.

Elena Kagan was nominated to the U.S. District Court of Appeals for the District of Columbia on June 17, 1999. She did not receive a vote or a hearing in committee. She is currently the dean of Harvard Law School. She was a visiting professor at Harvard Law School, former domestic adviser to President Bill Clinton when she was nominated. She was special counsel to the Senate Judiciary Committee during the confirmation hearings of Ruth Bader Ginsburg. She served as Associate Counsel to the President from 1995 to 1996, and Deputy Assistant to the President for Domestic Policy, and Deputy Director of the Domestic Policy Council from 1997 to 1999. Prior to that she was professor of law at the University of Chicago, tenured. She worked at the Washington, DC, law firm of Williams and Connolly, and she clerked for U.S. Supreme Court Justice Thurgood Marshall. A substantial majority of the ABA rated her qualified. A minority rated her well qualified. It is my understanding three Senators argued that the DC Circuit did not need any more judges, an argument that had been used to delay the confirmation of Judge Merrick Garland between 1995 and 1997.

See, this was another thing that was happening during that time. Let me just say it like it was. Vacancies on the DC Circuit—a critical and important circuit because it reviews all of the administrative appeals—were purposely kept open, preventing President Clinton from filling that circuit, to have more openings for the next President. Here three Senators kept this very qualified and very distinguished nominee from receiving a vote or a hearing on the committee. Again, a secret, hidden filibuster.

And, nevertheless, Senate Republicans supported the nomination by President Bush of Miguel Estrada to the same circuit court in 2002.

James Wynn was nominated to the U.S. Court of Appeals for the Fourth Circuit on August 5, 1999, and renominated on January 3, 2001. As you can see, President Clinton made one last try before he left office. He did not receive a hearing or a vote in committee. President Bush withdrew Judge Wynn's nomination on March 19, 2001. He was a judge on the North Carolina Court of Appeals and had previously served on the North Carolina Supreme Court. When nominated, he was a Navy reservist in the JAG corps of the U.S. Navy with the rank of captain. He served as the ABA's first African-American chair of the Appellate Judges Conference whose membership includes over 600 Federal and State appellate judges. He was on the board of governors of the American Judicature Society and was a vice president of the North Carolina Bar Association. He was an executive board member of the Uniform State Laws Commission and a drafter of the Revised Uniform Arbitration Act, Uniform Tort Apportionment Act, and proposed Genetic Discrimination Act. He was rated qualified by the ABA screening committee. Senator Edwards supported him. The Associated Press, on December 29, 2000, reported that Senator Helms blocked Judge Wynn. One person blocks a distinguished jurist, a filibuster of one, and not a word said.

Kathleen McCree-Lewis was nominated to the U.S. Court of Appeals for the Sixth Circuit Court on September 16, 1999, and renominated on January 3, 2001. She did not receive a hearing or a vote in committee during the more than a year her nomination was pending. She was a distinguished appellate attorney with Dykema Gossett, one of the largest law firms in Michigan. She had been active in the Michigan bar from 1996 to 1999. She chaired the rules advisory committee of the U.S. Court of Appeals for the Sixth Circuit. From 1992 to 1995, she cochaired the appellate practice committee of the ABA section of litigation. From 1987 to 1998, she was editor of the Sixth Circuit section of the Appellate Practice Journal and is a life member of the Sixth Circuit Judicial Conference. She was president of the American Academy of Appellate Lawyers. She would have been the first African-American woman to serve on the Sixth U.S. Circuit Court of Appeals. She was rated by the ABA as well qualified. On March 21, 2001, the Detroit Free Press reported that she was blocked by one of her home State Senators, namely Senator Abraham. Let me quote the Detroit Free Press. McCree-Lewis never "got a hearing in the Senate, thanks to Abraham's epic obstructionism."

Now on January 8, 2001, the Detroit Free Press reported:

> The Senate has been obscenely obstructionist in blocking President Bill Clinton's judicial nominations. Former Senator Spencer Abraham did nothing to help shepherd Michigan Court of Appeals Judge Helene White and Detroit attorney Kathleen McCree Lewis through the system.

Again, filibuster of one, in secret, with no floor debate.

Enrique Moreno was nominated to the U.S. District Court of Appeals for the Fifth Circuit on September 16, 1999, and renominated January 3, 2001.

He did not receive a hearing or a vote in committee. At the time of his nomination, Moreno had a longstanding and diverse legal practice in El Paso, working on both civil and criminal law. In the civil area, he represented both plaintiffs and defendants, representing both large business clients and also individuals, advocating their civil rights. In a survey of State judges, he was rated as one of the top trial attorneys in El Paso. A native of Chihuahua, he came to El Paso as a small child, son of a retired carpenter and a seamstress.

The ABA committee unanimously rated him as well qualified.

In November of 2000, Texas Monthly reported that he was blocked by both home State Senators, again without a hearing or a vote in the Judiciary Committee.

Allen Snyder was nominated to the U.S. Court of Appeals for the DC Circuit on September 22, 1999. He did receive a committee hearing on May 10, 2000. His nomination, though, was not voted on by the committee.

At the time of his nomination, he was a longtime partner and chairman

of litigation practice at the DC law firm Hogan & Hartson. At Hogan & Hartson, he represented Netscape Communications Corporation in the landmark Microsoft antitrust case.

He was a former law clerk to Chief Justice William Rehnquist. The ABA unanimously rated him well qualified. He served as chair of the Committee on Admissions and Grievances of the U.S. Court of Appeals for the District of Columbia, as secretary and executive committee member of the Board of Governors of the District of Columbia Bar, and on the board of the Washington Council of Lawyers. It is my understanding his nomination was blocked by two Judiciary Committee Senators. No reason was given.

Kent Markus was nominated to the U.S. Court of Appeals for the Sixth Circuit on February 9, 2000. He did not receive a hearing or a vote in committee. He was the director of the Dave Thomas Center for Adoption Law and visiting professor at Capital University Law School at the time of his nomination. He served in numerous high-level legal positions within the Department of Justice, including counselor to the Attorney General, Deputy Chief of Staff for the Office of the Attorney General, and Acting Assistant Attorney General for the Office of Legislative Affairs.

He also served as first assistant attorney general and chief of staff for the Ohio Attorney General's Office.

His nomination was supported by 14 past presidents of the Ohio State Bar Association, including Democrats, Republicans, and Independents; more than 80 Ohio law school deans; prominent Ohio Republicans; the National District Attorneys Association; and the National Fraternal Order of Police.

The ABA unanimously rated him as qualified.

Both Senators DEWINE and VOINOVICH returned blue slips. He was blocked by one Senator—a filibuster of one, all hidden, all quiet.

Bonnie Campbell was nominated to the U.S. Court of Appeals for the Eighth Circuit on March 2, 2000, and renominated on January 3, 2001. Her hearing was on May 25, 2000. The nomination was never voted on by the Judiciary Committee.

She served for 4 years as Iowa's Attorney General. She is the only woman to have held that office in her State, and she wrote what became a model statute on antistalking for States around the country.

She was selected by President Clinton in 1995 to head the Justice Department's newly created Violence Against Women Office. She emerged as a national leader for her work to bring victims' rights reforms to the country's criminal justice system.

In 1997, Time magazine named her one of the 25 most influential people in America. Praising her for bringing ''rock-solid credibility'' to her job, Time called Campbell the ''force behind a grass-roots shift in the way Americans view the victims—and perhaps more important, the perpetrators—of crimes against women.''

She oversaw a $1.6 billion program to provide resources to communities for training judges, prosecutors, and police. She was chosen to serve on the President's Interagency Council on Women, chaired by former First Lady HILLARY RODHAM CLINTON. She also headed the Justice Department's Working Group on Trafficking.

According to a statement given by Senator LEAHY to the Judiciary Committee on January 22, 2004, she was blocked by a secret Republican hold from ever getting committee or Senate consideration. Apparently, just one Senator. She had a hearing, as I said, but she never had a vote.

Roger Gregory was nominated to the U.S. Court of Appeals for the Fourth Circuit on June 30, 2000, and was renominated on January 3, 2001. He was a recess appointee of President Clinton at the end of the 106th Congress. He did not receive a hearing or a vote.

On March 19, 2001, President Bush withdrew his nomination. He was subsequently renominated by President Bush on May 9, 2001, and confirmed July 20, 2001, by a 93-to-1 vote.

According to former Senator Chuck Robb, on October 3, 2000:

> Despite the well-documented need for another judge on this court, and despite Mr. Gregory's stellar qualifications, the Judiciary Committee has stubbornly refused to even grant Mr. Gregory the courtesy of a hearing.

I know Senator WARNER supported this judge.

Again, this just goes to show that we are having a major flap because 41 people feel strongly, are willing to come to the floor, and willing to debate a nominee, and all of a sudden the world is going to come to an end, when for years and years and years one or two or three Members of the Senate could prevent a hearing or a markup in the Judiciary Committee or an individual even being brought to the floor.

Which would the public prefer? I would hope it would be a discussion on the floor of the Senate. I would hope it would be laying out the case against the individual, as has been done with every one of the ten—only ten; in all of President Bush's terms, only ten—when in President Clinton's term there were 60, and one or two, in secret, kept that individual from being brought to the floor of the Senate and voted on.

Well, let me continue. John Bingler was nominated to the U.S. District Court for the Western District of Pennsylvania on July 21, 1995, and renominated on July 31, 1997. He did not receive a hearing or a vote either time he was nominated.

After waiting more than 2 years without any action on his nomination, he withdrew on February 12, 1998.

Since 1971, he has practiced law with the Pittsburgh firm of Thorp, Reed & Armstrong. He served for 6 years as chair of the firm's litigation department.

From 1970 to 1971, he was the public safety director for the city of Pittsburgh. He served for 3 years as an assistant U.S. attorney in Pittsburgh where he prosecuted Federal criminal cases, and for 2 years he was an attorney for the Civil Rights Division of the Department of Justice. He served a 3-year tour of duty in the U.S. Navy. He was rated unanimously as well qualified by the ABA.

On October 16, 1997, the Pittsburgh-Post Gazette reported that one of the two home State Senators held up his nomination for 2 years, allowing neither a hearing nor a vote, and I do not believe it was the chairman of the committee.

Bruce Greer was nominated to the U.S. District Court for the Southern District of Florida on August 1, 1995. He did not receive a hearing and he was never voted on by the committee. His nomination was withdrawn on May 13, 1996. At the time of his nomination, he was the president of the Miami law firm of Greer, Homer & Bonner, where he has a civil litigation practice.

Senator Bob Graham supported him. Senator Connie Mack's position is not known. It is my understanding the Wall Street Journal published a lengthy editorial on July 17, 1996, that made no direct allegations against Greer, but made a case for guilt by association implying that, because Mr. Greer represented unsavory defendants, he was soft on crime.

The Columbia Journalism Review reported that the day after the editorial appeared, the chairman came to the floor to denounce judges who are soft on crime and, shortly afterward, Mr. Greer received word that he would not be receiving a hearing. So Bruce Greer was denied even a hearing to see if the allegations were true.

That is what has happened, ladies and gentlemen.

Leland Shurin was nominated to the U.S. District Court for the Western District of Missouri on April 4, 1995. He did not receive a hearing and was never voted on in committee. His nomination was withdrawn at his request, because of inaction, on September 5, 1995.

He was an executive committee member and partner at the law firm of McDowell, Rice & Smith, in Kansas City, where he maintained a general practice doing plaintiff and defense litigation. He was very active in the community.

He was rated as qualified by the ABA committee. He told the Kansas City Star:

> I had the sense that my confirmation is being delayed. No one could give me a clear date when anything could be done. I've sat around for two years. I can't keep doing it.

One has to come to grips with whether this was a fair process, whether this was even as fair as what is happening today. I believe no way, no how was this a fair process. I have been one who has believed that the blue slip should be done away with, that there should be no anonymous holds, and that every

appointee should be given a hearing and a vote in the committee. That does not mean that we should change the rules of the Senate to prevent, in extreme cases, the ability of the minority to register a strong point of view, when the minority of one has historically been allowed to register a strong point of view secretly and, in fact, kill a nominee.

Sue Ellen Myerscough was nominated to the U.S. District Court for the Central District of Illinois on October 11, 1995. She did not receive a hearing or a vote in committee. She was an Illinois State circuit court judge. She was an associate circuit court judge. She worked in law firms in Springfield. She formerly clerked for U.S. District Judge Harold Baker. A substantial majority of the ABA committee rated her as well qualified, while a minority rated her as qualified.

She was supported by both Senator Paul Simon and Senator Carol Moseley-Braun at the time. In 1997, Senator DICK DURBIN stated in the State Journal-Register that he believed ''Judge Myerscough was caught up in a Federal stall.''

On September 27, 1996, the State Journal-Register reported that Senator Simon said he believed the reason was a matter of partisanship, not because of any controversy or problems with her qualifications. Senator Simon said he escorted Myerscough for individual meetings with Senator HATCH and other members of the panel but had ''not had a single member of the committee tell me he or she couldn't vote for her.''

This is what has happened. So I have a hard time understanding why we are where we are today.

Charles Stack was nominated to the U.S. Court of Appeals for the Eleventh Circuit on October 27, 1995. He received a hearing before the committee on February 28, 1996, but did not receive a vote in committee.

According to the May 11, 1996, Miami Herald, he came under intense attack from then-Presidential candidate Bob Dole, and he withdrew his nomination on May 13, 1996.

Cheryl Wattley, nominated to the U.S. District Court for the Northern District of Texas on December 12, 1995, did not receive a hearing or vote in committee. The Dallas Morning News reported in 1996 that she was supported by both home State Senators. Again, no reason—probably filibustered because one or two or three didn't like her for one reason or another.

Michael Schattman, nominated to the U.S. District Court for the Northern District of Texas, December 19, 1995, and renominated on March 21, 1997, did not receive a hearing, was not voted on in committee. His nomination at his request was withdrawn on July 1998 after 2½ years of inaction by the committee. This man was a Texas State district court judge in Fort Worth. He had previously been a county court judge. And to add insult to injury, because of the lengthy delay in the nomination process, the February 11, 1998 edition of the NewsHour with Jim Lehrer reported that he lost his State court judgeship. He was unanimously rated as qualified. Again, this is the hidden filibuster of this body.

J. Rich Leonard, was nominated to the U.S. Court of Appeals for the Fourth Circuit, on December 22, 1995, did not receive a hearing or a vote in committee. Subsequently, he was nominated to the District Court for the Eastern District of North Carolina on March 24, 1999. Again, he did not receive a hearing or a vote. In total, this gentleman waited over 2.5 years before the committee for the two nominations without ever receiving a hearing or a vote. He was a judge on the U.S. Bankruptcy Court for the Eastern District of North Carolina at the time of his nomination by President Clinton. He was rated as well qualified. Again, my information is that one Senator blocked both of his nominations.

I see there are others waiting. I will be brief. But let me list some of the others.

Robert Freedberg was nominated to the U.S. District Court for the Eastern District of Pennsylvania, April 23, 1998. He never received a hearing. He was a judge on Northampton County's Court of Common Pleas. He is a former prosecutor. The January 28, 1999 Allentown Morning Call reported that he was blocked by one Senator.

Robert Raymar, nominated to the U.S. Court of Appeals for the Third Circuit, did not receive a hearing. His nomination expired at the end of the session. Former deputy attorney general for the State of New Jersey, member of the New Jersey Executive Commission on Ethical Standards. He was rated as qualified. He was supported by both State Senators. One person filibustered this individual in committee. He didn't receive a hearing or a vote.

James Lyons, nominated to the U.S. Court of Appeals for the Tenth Circuit, did not receive a hearing or a vote, and withdrew after it became clear he would not receive a hearing or a vote. He was a longtime senior trial partner at the Denver law firm of Rothberger, Johnson & Lyons, special advisor to the President of the United States and the Secretary of State for economic initiatives in Ireland and Northern Ireland. He couldn't get a hearing. He was adjudged well qualified by the ABA.

I don't see where anybody is concerned about these injustices, and that is what they were—real injustices.

John Snodgrass was nominated to the U.S. District Court, Northern District of Alabama, September 22, 1994, renominated January 11, 1995. He did not receive a hearing or a committee vote. His nomination was withdrawn on September 5, 1995.

Anabelle Rodriguez was nominated to the U.S. District Court for the District of Puerto Rico, January 26, 1996, renominated March 21, 1997. A committee hearing was held on October 1 of 1998, but a vote was never held on her nomination during the nearly 3 years her nomination was pending. What were the reasons for this block? On October 8, 1998, the Associated Press reported that her supporters said she was opposed by Puerto Rico's prostatehood Governor and congressional representative because she is a backer of the island's current status as a U.S. commonwealth, and there was apparently some overwhelming bipartisan opposition.

Why not vote? If what is being said now has been true and par for the course, why not vote?

Lynne Lasry was nominated for the Southern District of California but did not receive a hearing or a vote. After one year of inaction, the nomination was withdrawn in 1998.

James Klein was nominated to the U.S. District Court for the District of Columbia, January 27, 1998, renominated March 25, 1999, and did not receive a hearing or committee vote during the 3 years that he was pending.

Patricia Coan was nominated to the U.S. District Court for the District of Colorado, May 27, 1999. She did not receive a hearing or committee vote in the year and a half that her nomination was pending. The May 21, 2000 Denver Post reported that one Senator blocked her nomination.

Dolly Gee was nominated to the District Court for the Central District of California, May 22, 1999. She did not receive a hearing or committee vote in the year and a half that her nomination was pending.

Fred Woocher was nominated to the U.S. District Court for the Central District of California, received a hearing on November 10, 1999, but was not voted on by the committee despite waiting for a year after his hearing.

Steven Bell was nominated to the U.S. District Court for the Northern District of Ohio but did not receive a hearing or vote in committee for more than a year that his nomination was pending.

Rhonda Fields was nominated to District Court for the District of Columbia on November 17, 1999, no hearing, no vote.

Robert Cindrich was nominated to the U.S. Court of Appeals, Third Circuit, February 9, 2000, no hearing, no vote.

David Fineman was nominated to the U.S. District for the Eastern District of Pennsylvania on March 9, 2000, no hearing, no vote.

Linda Riegle was nominated to the U.S. District for the District of Nevada on April 25, 2000, no hearing, no vote in committee.

Ricardo Morado was nominated to the U.S. District for the Southern District of Texas on May 11, 2000, no hearing, no vote.

Stephen Orlofsky was nominated to the U.S. Court of Appeals, Third Circuit, May 25, 2000, no hearing, no vote.

Gary Sebelius was nominated to the U.S. District for the District of Kansas on June 6, 2000, no hearing, no vote.

Kenneth Simon was nominated to the U.S. District for the Northern District of Alabama on June 6, 2000, no hearing, no vote.

John S.W. Lim was nominated to the U.S. District for the District of Hawaii on June 8, 2000, no hearing, no vote.

And there are those, you might say, that came under the Thurmond rule. There is sort of an informal practice that in the last few months of a President's tenure, the hearings do not go forward. Again, that is not a rule; it is a practice.

Christine Arguello, nominated to the U.S. Court of Appeals, Tenth Circuit, on July 27, 2000.

Andre Davis, nominated to the U.S. Court of Appeals, Fourth Circuit, on October 6, 2000.

Elizabeth Gibson, nominated to the U.S. Court of Appeals, Fourth Circuit, on October 26, 2000.

David Cercone, nominated to the U.S. District Court for the Western District of Pennsylvania on July 27, 2000.

Harry Litman, nominated to the U.S. District Court for the Western District of Pennsylvania on July 27, 2000.

Valerie Couch, nominated to the U.S. District Court for the Western District of Oklahoma on September 7, 2000.

Marian Johnston, nominated to the U.S. District Court for the Eastern District of California on September 7, 2000.

Steve Achelpohl, nominated to the U.S. District Court for the District of Nebraska on September 12, 2000.

Richard Anderson nominated to the U.S. District Court for the District of Montana on September 13, 2000.

Stephen Lieberman, nominated to the U.S. District Court for the Eastern District of Pennsylvania on September 14, 2000.

And, Melvin Hall, nominated to the U.S. District Court for the Western District of Oklahoma on October 3, 2000.

What I have tried to show today is that there is a certain amount of hypocrisy in what is going on today. The opposition cannot have any concern about one Clinton nominee or dozens of Clinton nominees who received no hearing, no markup, no floor vote, but suddenly they are upset because 41 of us in public, eight of us in committee, vote no and believe that our views are strong enough and substantive enough to warrant a debate on the floor of the Senate in the true tradition of the Senate. And bingo, we are going to have a change in the rules to prevent that from happening. Nobody is talking about changing the rules so one person can't filibuster; one person can't, on a pique or because they don't like the individual, condemn that individual.

I can tell you, because I have been on this committee for 12 years, I have had people call me and say: Look, I have three children. I have to know what is going to happen to me. I try to get information, can't get that information.

I ask the majority of this body, is that fair? Do you not feel aggrieved? Or is that OK because it was a different President of a different party? I don't think so. I think what is sauce for the goose is sauce for the gander. I pointed out two uses of filibusters for judicial appointments by Republicans, one in 1881 and one in 1968.

Mr. COCHRAN. Mr. President, will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mr. COCHRAN. Mr. President, I am curious to know when the Senator plans to complete her remarks. At the beginning of her remarks, she assured the Senate that she would take about 30 minutes. We are on the conference report on the supplemental appropriations bill which is an urgent supplemental bill. We have about 4 hours divided among Senators on both sides to complete debate. I don't want to push the Senate into the evening hours, if we are going to have a prolonged discussion of this issue when we thought it was going to be 30 minutes. It is almost an hour now.

Mrs. FEINSTEIN. I appreciate the Senator's forbearance. He is a true gentleman. Out of respect for him and for the institution, I will conclude my remarks.

During the reorganization of the Senate in 2000, Senators Daschle and LEAHY worked to make the nominations process more fair and public. This refining forced Senators opposed to a nomination to be held accountable for their positions. They could not hide behind a cloak of secrecy. This step also wiped out many of the procedural hurdles that have been used to defeat nominations. So many of the tools used by Republicans in the past, and referred to as a way to draw distinctions with a public cloture vote are no longer available. This historical record is important, yet it is too often lost in our debates.

I also believe it is useful to examine the current state of judicial nominations, and what has actually occurred in this body during President Bush's tenure: 208 judges confirmed out of 218; 95 percent of President Bush's judges have been confirmed; the Senate has confirmed 35 circuit court nominees; recently, the Judiciary Committee reported out 2 District Court and 1 Circuit Court nominees; today, there are only 4 judicial nominations on the Senate calendar waiting for a vote; and there are only 45 total vacancies, both district and circuit courts, and 29 do not have nominations submitted.

What do these numbers mean? There are more judges today sitting on the federal bench than in any previous presidency. The Senate has confirmed more judges for President Bush than in President Reagan's first term, his father's only term, or President Clinton's second term.

The Senate confirmed more circuit court judicial nominees than in Reagan's or Clinton's first term. When Democrats were in the majority in 2001, there were 110 vacancies and by the end of the 108th Congress and President Bush's first term, the number had plummeted to 27—the lowest level of vacancies since the Reagan era.

Of the 8 nominees reported out of committee this year, four have already been confirmed. One, Thomas Griffith, is waiting a vote, and the remaining three are controversial nominees who were defeated last Congress: William Myers, Priscilla Owen, and Janice Rogers Brown.

In addition, President Bush has sent the Senate but one new judicial nomination this year. Brian Sandoval of Nevada is the only new judicial nomination sent to the Senate in the first five months of this year. He has bipartisan support from his home State Senators and appears to be a consensus nominee.

Again, what do these numbers mean? They mean there is no crisis on the federal bench that justifies the so-called nuclear option as some of my Republican colleagues contend.

To me, the record I just described and the reasons for opposing these limited number of nominees doesn't lead to the conclusion that the Senate should be discussing breaking our own institutional rules and unraveling the checks and balances established by our Constitution.

Some have described this debate as a strategy to change the rules. Changing the rules is not only unacceptable, but in this case it is inaccurate as well. The nuclear option is a strategy to break the rules. This isn't just my assessment; it's the conclusion drawn by the Senate Parliamentarian and the Congressional Research Service.

Last week, press reports reiterated that Senator REID had been assured by the Parliamentarian that if the Republicans go through with this strategy they would ''have to overrule him, because what they are doing is wrong.''

The Congressional Research Service concluded in a recent report that to employ these tactics the Senate would have to ''overturn previous precedent.'' ''Proceedings of this kind, it is argued, would both break old precedent and establish new Senate precedents. Eventually such a plan might even result in changes in Senate rules, while circumventing the procedures prescribed by Senate rules.''

So, shortly, the Senate will likely be faced with a preemptive strike to break the rules. The term preemptive strike seems appropriate when there are only three controversial judges waiting for a vote—judges who were previously defeated last Congress and have drawn strong opposition.

This is a move to wipe out 200 years of precedent when this Senate has only been in session for just over 4 months, when this President has had over 200 judges confirmed, and when the Judiciary Committee reported favorably a controversial circuit court judge who was not voted on last Congress, but was renominated. This appears to me to be an escalation that is unwarranted in the reality of what has actually occurred and is happening in this session.

I find it ironic that while our country fights abroad to establish democracy,

to promote checks and balances, and institute wide representation of all people in government; here at home our leadership is attempting to erode those very protections in our own government. What kind of message are we sending? ''Do as I say, not as I do''?

This debate over judicial nominees is a debate about privacy, women's rights, civil rights, clean environment, access to healthcare and education; retirement security—we may not all agree, but the beauty of our country is the freedom to disagree, to debate, and to require compromise because no one party has the corner on the market of good ideas and solutions—and no party has the corner on the market of political power.

Democrats held the House majority for over 50 years, and now Republicans have been in the majority for over a decade. Democrats held the White House for eight years, now the Republicans will have occupied the White House for eight years. Neither party will always be right when it comes to the best policies for our country, and neither party will always be in power.

There are many urgent problems the Senate needs to be focused on and Americans' want us to focus on: the war in Iraq; protecting our homeland; addressing the high cost of prescription drugs; alleviating rising gas prices; ensuring our social security system is stable and working; and reducing the federal deficit.

I am troubled that instead today we are spending much of our time on political posturing gone too far—on a strategy to unravel our constitutional checks and balances.

Cold War commentator Walter Lippman once said, ''In making the great experiment of governing people by consent rather than by coercion, it is not sufficient that the party in power should have a majority. It is just as necessary that the party in power should never outrage the minority.'' And today, we are outraged.

I would hope that the majority would not choose to unravel that foundation over a small handful of nominees. I would hope we would continue to honor the tradition of our democracy. I would hope the President will urge others in his party to walk away from this nuclear strategy. And I know if the shoe was on the other foot, I would not advocate breaking Senate rules and precedent.

Regardless of how this debate continues to unfold, I remain committed to evaluating each candidate on a case by case basis, and I will continue to ensure that judicial nominees are treated fairly and even-handedly, but I will not fail to raise concerns or objections when there are legitimate issues that need to be discussed.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, before I make my remarks on the supplemental appropriations conference report, I commend my friend and colleague from California. As we have come to expect, her presentation was thorough, comprehensive, factually and historically accurate. Much in the debate that has occurred around the so-called nuclear option has been heated. It has been rhetorical. It has been filled with opinion. It has been, unfortunately, often devoid of either historical or factual content. I personally appreciate greatly the Senator from California putting into the RECORD these very carefully created remarks based on facts. I hope no matter what happens with this debate—and obviously, I hope the Senate comes to its senses and realizes that we owe an obligation to the Constitution and the country—historians will be able to look back and read the very impressive statement of the Senator from California and know what the facts were. I personally express my appreciation to her.

Mr. DORGAN. Will the Senator from New York yield for a question?

Mrs. CLINTON. Yes.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be recognized at 2:15 for 15 minutes to discuss the supplemental. Senator BYRD is the ranking member on the Appropriations Committee. If he is here and wishes to speak at that time, I will yield the floor to him. In the absence of that, I ask consent.

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

The Senator from New York.

Mrs. CLINTON. Mr. President, I rise to address the emergency supplemental appropriations conference report. When the vote occurs, it is likely to be, if not unanimous, very close to being unanimous. And why? Because this conference report contains the funding that is needed by our brave troops in Iraq and Afghanistan. It contains funding to provide necessary resources to equip our troops and to do the military construction that is necessary. I will vote for this conference report. But I want to record some serious reservations about this process. First, the emergency supplemental appropriations process is destined to be just that. It is a way to fund unforeseen emergencies outside of the usual budgetary process.

Unfortunately, once again, we are funding the cost of the military in Iraq, Afghanistan, and elsewhere, as well as a legitimate emergency, such as the tsunami relief provisions in the bill, through an emergency. I am privileged to sit on the Senate Armed Services Committee, which is responsible for presenting the authorization for the budget for the Department of Defense, and during several of our hearings over the last several months, I, among a number of my colleagues on both sides of the aisle, have asked our civilian and military leadership from the Department of Defense how they explain the fact that once again the costs for Iraq and Afghanistan are not in the budget; they are in the emergency supplemental.

Many of these costs perhaps were genuine emergencies, but many others are not. I would not argue with many of the decisions made because I am well aware of the importance of recapitalizing our equipment, building back up our stores of arms that have been decreased through necessary action. But a good budgeting process would take all of that into account. Having this supplemental, unfortunately, with the big title ''emergency'' over it appears to be an effort to rush things through to avoid congressional oversight and scrutiny. Obviously, a bill that is going to provide funding for the young men and women wearing the uniform of our country, in harm's way every single hour of every day, is going to command broad bipartisan and public support, as it should. But that doesn't, in my opinion, in any way mitigate against what should be the necessity of an orderly process, an appropriations process subject to the give and take of opinion and fact, and argument and reason and evidence, and then the presentation of a budget that includes the expenses that are necessary for our military.

I regret deeply that we are, once again, seeing an emergency bill being pushed through the Senate, as it was pushed through the House last week, when instead we should be having an orderly process looking at these matters within the budget and making decisions based on that process.

During the Armed Services Committee hearing on this supplemental request, a number of my colleagues asked why projects that ordinarily are included in the regular Department of Defense budget were being shifted to the supplemental. I really was quite taken aback when the military leadership said they didn't know, that they were just told they should put it out for the supplemental. The civilian leadership present at the hearing could not offer a much better explanation. So it is regrettable that we are making these important, literally life-and-death decisions once again in an emergency supplemental as opposed to the regular budget.

Also, it is regrettable that the administration is not providing a proper accounting of how funds are being spent in Iraq. According to recent reports, Government auditors found that American officials rushed to start small building projects in a large area of Iraq during 2003 and 2004. They did not keep the required records that would tell us how they spent $89.4 million in cash. They cannot account for at least $7.2 million more. This is a very serious question. If we are appropriating this money and we are sending it for both military and reconstruction purposes to Iraq, we have a right to expect that records will be kept so we can determine whether it is being spent in the appropriate manner.

We have also heard that millions of dollars of Iraqi reconstruction funds that have been appropriated have also

not been spent. A large reason for that is security. But why come back for more money when we cannot spend the money we have already appropriated? It is heartbreaking to me that there is so little oversight from this Congress with respect to this administration. There are no rigorous hearings being held to determine whether we are spending money correctly, how it is being spent, where all of the cash is going. The first time I flew into Iraq, I flew from Kuwait to Baghdad on a C–130. The back of it was loaded with cash—dollars. They were being taken into Baghdad to be spent for God knows what, and there is no accountability.

It is remarkable that this Congress, at this important moment in American history, is not exercising its constitutional oversight responsibilities. During the Second World War, Harry Truman, a Democratic President, with a Democratic Congress, held hearings about where money was going in World War II. In the 1960s, Senator Fulbright, with a Democratic President and a Democratic Congress, held hearings about our policies and actions in Vietnam. We have a Republican President, a Republican Congress—hear no evil, see no evil, speak to evil; we don't want to know. Questions are not asked—at least publicly. People have no idea where this money is going, who is getting it, and how it is being spent. These emergency supplementals have even less oversight than the typical budget, which in this Congress is practically nothing.

So while we continue to spend billions and billions of American taxpayer dollars, we don't see the requisite accountability occurring in this body to determine whether we are spending them appropriately.

I am also deeply concerned that on an emergency supplemental to fund our troops and fund the relief disaster in southeast Asia because of the tsunami, we are being asked to vote on something called ''REAL ID.'' It is a provision meant to, in the supporters' argument, make our country safer. How do we know? We haven't had hearings about it in the Senate. We have not even had debate about it in the Senate. I joined with Senator FEINSTEIN to try to prevent immigration proposals from being tacked onto the supplemental. But we all know why that happened—because the administration backed up the House Republican leadership to give them an opportunity to put the so-called REAL ID on a must-pass piece of legislation; namely, legislation to fund our troops. So without debate, without committee hearings, without process, we have the so-called REAL ID in this emergency supplemental.

I am outraged that the Republican leadership, first in the House and now, unfortunately, in the Senate, would put this seriously flawed act into this emergency supplemental bill for our troops in Afghanistan and Iraq. Emergency legislation designed to provide our troops the resources they need to fight terrorism on the front lines is not the place for broad, sweeping immigration reform. That is what REAL ID is. There may be parts of it that we could agree on if we ever had a chance to debate it. Other parts go too far and don't fulfill the purpose of making our country more secure.

I am in total agreement with those who argue that we need to address our immigration challenges, and we are still not doing what we should to fulfill the demands of homeland security. I think they go hand-in-hand. If we cannot secure our borders, we cannot secure our homeland. Everybody knows we are not securing our borders. Who are we kidding? We need a much tougher, smarter look at these issues. But instead we are taking a piece of legislation passed by the House, jammed into supplemental emergency appropriations for our troops, and we are going to up-end the way we do driver's licenses throughout our country, and we are going to claim we have now made America safer.

I think that is a false claim. I regret deeply that we are rushing to pass this emergency bill with this so-called REAL ID in it. We need to reform our immigration laws. We need to make our borders more secure. But we need a debate about how we are going to do that. Isn't it somewhat interesting to everyone in this Chamber that the richest, smartest country with the best technology in the world cannot secure its borders? Why would that be? Well, part of the reason is because there are many people, particularly to our south, who are desperate for a better chance. They literally risk their lives to come here. Part of it is because we have a lot of employers who want to employ them. So they know if they get here, they will have a job. We are not having a public national debate about this because, if we were, we would have to point fingers at these employers who pick up illegal immigrants every single day on street corners throughout America, or who sign them up to work in dangerous factories with very little health and safety regulation.

So come on, let's not kid ourselves. We have a serious security and immigration problem. But we are not addressing it by jamming this provision about driver's licenses into our emergency appropriations. We need to make our borders more secure. I have introduced legislation 3 years in a row to have a northern border coordinator. I met with both Secretary Ridge and Secretary Chertoff. We don't know who is in charge of the northern border. Trying to figure out who is responsible for the northern border is like playing ''Where is Waldo.'' we cannot figure that out. We are not taking simple steps to rationalize our bureaucracy in Washington, to find out what our holes are and how they can be plugged, what policies would work if we were actually serious about improving security.

The REAL ID Act also gives total control to the Secretary of Homeland Security to waive legal requirements that stand in the way of constructing barriers and roads along the border. The only check is limited judicial review. This is quite a tremendous grant of authority to one person in our Government. I am sure there are some reasons why we would want to expedite a process to try to have better security along our borders. But to give this unchecked responsibility to the Secretary, with limited judicial review—that is a slippery slope, my friends. We are sliding further and further toward absolute power and the removal of our checks and balances.

We also have to figure out how we are going to deal with the changes in asylum rules that are in REAL ID. I am very proud of the fact that our country has always welcomed asylum-seekers and refugees. There is a city in New York, Utica, which is known as one of the most welcoming places for refugees in the entire country. I am so proud of the people of Utica. They have taken in Bosnians, Kosovars, Somalians, all kinds of refugees—people who could not stay in their home country and were desperate for some place of refuge. Under these new rules, we will see whether America remains the place of welcome, whether we fulfill our obligations to our fellow men and women.

I hope that the failure of having a process with respect to REAL ID, the continuing use of the supplemental appropriations route for funding our troops, which avoids the budget process, will at some point come to an end because the majority will no longer tolerate it. This is not good for any of us—to have these kinds of processes that really turn our constitutional system upside down.

In the meantime, we need to send a message that we are able to have national debates about sensitive issues, to debate judicial nominations on the floor, using the rules that have really stood the test of time and been good for the Senate and our country. We don't always win, but the Senate was devised to protect minority rights. I represent a State of 19 million people. The Presiding Officer represents a much smaller State. He and I are equal. That is the whole idea behind the setup of the Senate.

Finally, let's be sure that we do not piecemeal reform immigration—I use the word ''reform'' advisedly—that we have the kind of debate and comprehensive reform that is so needed. I bet every one of the offices of my colleagues is faced with what my office confronts every single day. We do lots of casework. There are a lot of people who came here legally. They cannot get their relatives into this country. They cannot reunite their families. I want to have a reform that really provides benefits for legal immigrants.

Mr. President, I hope we can deal with these issues in a better way that really reflects the best of the Senate going forward.

The PRESIDING OFFICER. The Senator from Mississippi.

UNANIMOUS CONSENT REQUEST—COMMITTEE MEETINGS

Mr. COCHRAN. Mr. President, before the Chair announces the recess for the policy luncheons, I have eight unanimous consent requests for committees to meet during today's session of the Senate. They have the approval of the majority and minority leaders. I ask unanimous consent that these requests be agreed to and the requests be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF ACT, 2005—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I believe, by unanimous consent, I am to be recognized at 2:15 for 15 minutes.

I allocate 2½ minutes of that time to the Senator from Wisconsin, Mr. KOHL.

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

The Senator from Wisconsin.

Mr. KOHL. Mr. President, although I will vote for this conference report, I feel obliged to alert my colleagues to a serious flaw. This bill does not provide enough international food aid. And if emerging reports are correct, I fear we are about to enter a spring and summer of agony in some of the poorest parts of the world.

This situation troubles me a great deal. Here we are, the strongest nation on Earth, and we are rightfully appropriating funds to maintain that strength. But with enormous strength comes a moral obligation to respond appropriately to pain and suffering. This bill fails to respond appropriately.

When the supplemental was first considered in this body, Senator DEWINE and I and others offered an amendment to provide a total of $470 million for PL–480 food aid. That may sound like a lot to some, but it totaled merely six-tenths of 1 percent of the total spending in the bill.

Mr. President, $346 million of our amendment was intended to meet the U.S. share of world-wide food emergency needs as already identified by the U.S. Government. Another $12 million was slated to restore Food for Peace resources diverted to address the tsunami. Finally, $112 million was intended to restore food aid development projects that the United States has already pledged to other countries this year.

It troubles me, and it should trouble everyone here, that we may not be able to deliver on those pledges. What a disturbing message that sends to the rest of the world. It says that while we may talk a good game on food aid, you cannot be too sure just where we stand when the going gets tough.

The numbers in our amendment were not pulled out of thin air. They were the result of close analysis of the world situation. In light of new reports from Ethiopia, I worry that even the amounts included in our original amendment may have been, in fact, too conservative.

Sadly, the conference reduced the food aid total to $240 million, a level that is well below a split with the level proposed by the administration and adopted by the House.

I ask unanimous consent that an alert I received from several faith-based organizations about the situation in Ethiopia be printed into the RECORD.

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

FLASH ALERT FROM JRP MEMBERS

ADDIS ABABA, ETHIOPIA—APRIL 2005

The three Churches and two Church-related agencies (Ethiopian Orthodox Church, Ethiopian Catholic Church, Ethiopian Evangelical Church Mekane Yesus, Catholic Relief Services and Lutheran World Federation) who make up the ecumenical Joint Relief Partnership feel compelled to bring to the public's attention a situation that if not immediately addressed in a forceful manner will bring about widespread disaster resulting in untold suffering and death for a number of people—a number that is rapidly approaching the 8–10 million mark of Ethiopian people at risk in 2005.

This humanitarian situation has thus far received little international attention for a variety of reasons, which in addition to the reluctance of the Ethiopian Government to advertise it are the following: Severe drought conditions. The late start-up of the Ethiopian government's national Productive Safety Net Program (PSNP) which is meant to provide multi-year support to over 5 million chronically food insecure people. The lack of adequate resources to provide food and non-food assistance to 3.1 million acute food insecure people.

Drought Conditions: The current reality is that the early belg rains (February/March) have failed in many areas, including East and West Hararghe and Arsi zones of Oromiya, parts of Southern Nations Nationalities and Peoples (SNNP) and parts of Tigray. The situation is severe, with many pocket areas showing high levels of global acute and severe acute malnutrition in children under 5. As an example, reports from the Disaster Prevention and Preparedness Commission (DPPC) indicate that large numbers of severely malnourished children are entering one hospital in East Hararghe from three woredas seriously affected by malnutrition.

There are rising and alarming levels of distress migration in certain areas, water is particularly scarce in some areas and cereal prices are high.

Delays in Productive Safety Net Program (PSNP): This is a program designed to overcome people's dependence on food assistance. While this is an important step, continued robust response to emergency conditions is critical to ensure the success of more developmentally oriented programs. Unfortunately, this program, which was meant to begin in January 2005, didn't start until late March in most areas of the country and, in some areas, still has not begun. Without going into details of why this foul-up occurred, the fact is that people targeted under the PSNP have, in most cases, not yet received the planned assistance and there are now deteriorating health conditions, especially in women and children. Many of the chronically food insecure now face acute conditions, themselves.

Poor Resourcing of 2005 Appeal: Current figures indicate that 66% of food needs are pledged and only 10% of non-food needs. It must be noted, however, that this includes an un-guaranteed WFP pledge. With the number of people requiring assistance continually increasing, the level of resources required is certain to increase significantly. While 66% sounds promising, it should be noted that, using current assessments going on, this figure may not adequately represent the real need.

Among the reasons for the low level of resources are: Donor attention being focused on other emergencies (Darfur and tsunami), greater emphasis being placed within the country on PSNP rather than ongoing emergency needs, pressure to demonstrate that the country is moving away from annual Emergency Appeals, misleading recent WFP/FAO crop assessment suggesting a 25% increase in yield over last year, and traditional food donors having their own constraints.

Unless commitments o food and non-food items are made immediately, the JRP will not be able to pre-position food in the most severely affected areas prior to the rainy season which starts in June because of poor road conditions at that time. This will lead to further setbacks and great loss of life.

It is with the above in mind, that the JRP is appealing to its traditional Partners to bring this situation to the world's attention and to act as promptly as possible.

With every best wish, we remain, the JRP Members:

ETHIOPIAN ORTHODOX CHURCH,
ETHIOPIAN CATHOLIC CHURCH,
ETHIOPIAN EVANGELICAL CHURCH MEKANE YESUS,
CATHOLIC RELIEF SERVICES,
LUTHERAN WORLD FEDERATION.

Mr. KOHL. This situation is not going to go away. I have grave fears that images coming out of places such as Ethiopia in the coming months may reveal a tragedy unfolding before our very eyes. And what is most troubling is that this may be a tragedy that we could have helped avoid.

I will soon be sending a letter to the President encouraging him to consider other emergency authorities to address this dire situation. Specifically, we will ask him to utilize the Bill Emerson Humanitarian Trust to address this pain and suffering. I urge all my colleagues to join us in sending this message to the President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I commend my colleague from Wisconsin. I

agree with all he has described. I think this is a really important issue and increased food aid is critically important. So I appreciate him being here.

I will speak for a moment about this $82 billion supplemental bill. Most of it is to restore accounts in the U.S. Army and other military installations or military organizations because that money was not in the budget. We had asked last year that it be put in the appropriations process so that it could be considered. We know that we are going to spend money in Iraq and Afghanistan, but the administration, year after year, does not put any money in for these accounts and then comes back with an emergency request later.

It is a fiction that is being created. We know this is costing money every single month. I guess the reason to do it on an emergency basis is so that nobody has to pay for it. This is $82 billion not paid for, just emergency, stack it on top of the debt and say to the troops: Go to Iraq, serve your country, do your duty and, by the way, when you come back we will have the debt waiting for you, so you have served in Iraq and you can also come back and pay for the cost of that. That does not make any sense to me.

We had a small provision on the issue of government spending when this bill was before the Senate, and I want to talk about it for a moment. It dealt with the appointment of an independent counsel in 1995 that was to investigate the allegation that a Cabinet official lied about payments he had made to his mistress. So an independent counsel was formed 10 years ago. That independent counsel was to investigate Mr. Cisneros, a man who I may have met in 1993 or 1994 and have not seen since. In any event, an independent counsel was appointed to investigate whether he lied about payments he had made to a mistress. Ten years ago, that independent counsel started working and spending money. In 1999, Mr. Cisneros, the subject of the investigation, pleaded guilty to a misdemeanor. In 2001, 2 years later, the President pardoned him. So 10 years ago the independent counsel was formed, 6 years ago the subject of the investigation pleaded guilty, and 4 years ago the subject of the investigation was pardoned by the President.

This independent counsel is still in business and still spending money. In the last 6 months, the independent counsel has spent nearly $1.3 million. I offered an amendment, that the Senate passed, which says, tell them to finish by June and shut down. In fact, 2 years ago, the three-judge panel which supervises this independent counsel told him to wrap it up, and get it done. This independent counsel has now spent $21 million over 10 years, and so we offered an amendment that said, shut it down.

The Senate accepted it. It went to conference and it was pulled out. So the independent counsel still spends money.

The Wall Street Journal wrote an editorial saying this was some nefarious amendment designed to try and protect some information that exists deep in the bowels about some scandal with the Internal Revenue Service—typical political sludge coming from the editorial page of the Wall Street Journal. Then we have the same sludge offered by Mr. Novak in his column, I believe it was last Thursday, suggesting there is something else going on here.

Well, let me just say this: If we have enough money to have independent counsels continuing to be paid 6 years after the subject of their investigation pled guilty, and 4 years after they were pardoned, it is a high-water mark for bad judgment. It is unbelievable. All it describes to me, with respect to Mr. Novak and the folks who believe we should keep spending this money, is that even waste has a constituency, in some cases a very aggressive constituency.

We really need to save the taxpayers' money, and this is an unbelievable waste of the taxpayers' money.

Let me ask how much time I have remaining.

The PRESIDING OFFICER. Eleven minutes.

JUDICIAL NOMINATIONS

Mr. DORGAN. Robert Fulghum wrote a book entitled simply, ''All I Really Need to Know I Learned in Kindergarten.'' Many have read that book. Some of it is, of course, wash your hands, share, be nice to others. One, of course, is to tell the truth. That simple kindergarten lesson is lost in some cases and particularly in the media wars that go on over significant issues.

I brought to the floor today some advertisements that are being run across the country in support of those who in this Senate Chamber are prepared to exercise what is called a self-described ''nuclear option'' by the majority. What is their nuclear option? Well, they are in kind of a snit. They do not get all of the judges approved—just over 95 percent of the judges sent to us by the President. Now, because not every single judge has been approved by the Senate, the majority party is out of sorts, cranky, upset, and sufficiently so that they and the groups from outside this Chamber have decided what they ought to do is violate the rules of the Senate in order to change the rules of the Senate.

Let me just point out what is happening as they lead up to this so-called nuclear option where they violate the rules of the Senate. They are creating their own fiction. The President, by the Constitution, has the right to nominate Federal judges who will sit for a lifetime on the Federal bench. We have a separate responsibility to advise and consent. The President sends a name down, and we say yes or no.

This President, George W. Bush, has sent 218 names of people he wants to serve for a lifetime on the Federal bench. We have approved 208 of them. Because they have not gotten approval for all of them, they have decided they want to violate the rules of the Senate in order to change the rules of the Senate.

Let me give an example of one of the 10, Janice Rogers Brown. Here is what she says, and I am quoting her directly:

> Senior citizens blithely cannibalize their grandchildren because they have a right to get as much free stuff as the political system will permit them to extract.

One does not have to be a rocket scientist to understand what this means. This is somebody whose philosophy believes that there is something inherently wrong with Social Security and Medicare. It is the old folks living off the rest of the country.

I do not know, maybe it is a person who does not know senior citizens, has not visited a nursing home, does not understand what it is like to work without very much money, without resources, and wonder what their retirement is going to be like.

Do I want this person sitting on the Federal bench? No. Am I pleased that I participated in saying, no, this person should not sit on the Federal bench? One can bet their life I am.

There are groups that are advertising in our States, and they are saying this is an attack on people of faith if we do not support these judges, or it is an attack on a minority.

Here is a religious organization that is running ads in States:

> . . . Never before has the political minority hijacked democracy in this way. . . .

This religious organization says, in paid political advertising:

> . . . Senate Democrats have abused the rules . . .

Another religious organization states:

> . . . Never before in history have judges with majority support been denied a vote by the misuse of the filibuster rule. . . .

Well, there are Ten Commandments and they can be found in the 20th chapter of Exodus. I suggest to those who throw around this issue of faith, those organizations that call themselves religious organizations and want to buy political ads and then not tell the truth in the ads, that they refer to the 20th chapter of Exodus and the ninth commandment, thou shalt not bear false witness. There are Ten Commandments, not nine. Do not skip the ninth when getting involved in this discussion.

The least that is owed to the American people is the truth, and it is simply not true that the minority in the Senate has abused the rules, or has hijacked democracy. That is simply not true.

The facts are that we have supported 208 of 218 nominees sent to us by this President. The facts are that the 60-vote requirement to get cloture in this Chamber is a requirement that has existed for a long time, and it is a requirement that is healthy for this Chamber. It is protective of the minority, whether it be Republican or Democrat. It is what requires compromise. Compromise is a good thing.

There are some in this Chamber who think that no one should ever compromise. If one party runs the White House, the Senate and the House, they ought to have it their way all the time, and if they do not get it their way, they have a right to be angry and to change the rules of the Senate even if they violate the rules to do it.

There is a way to change the rules of the Senate. It takes 67 votes. I hope the 67 votes is not in dispute.

The majority has concocted a scheme by which with 51 votes they will change or attempt to change the rules of the Senate with something they mislabel as the nuclear option.

This is something that disserves the interests of the Senate and the American people. We have very serious problems with health care costs. We have problems with the cost of prescription drugs. We have jobs moving overseas in unlimited quantity. We have trade deficits, the largest in the history of this country. We have serious energy problems, and guess what, we have a majority that has their nose bent out of shape because there are 10 judges out of 218 who somehow did not make it, and that is an affront to a majority that insists that they have it their way all the time. I didn't take Latin because I was in a high school senior class of nine, but I think the term ''totus porcus'' might just best describe what the majority party believes it is due on these issues. They want it all—the whole hog—right now. If they do not get it, they are prepared to go to the ultimate length that they describe as the nuclear option.

My hope is that in the coming days, heads will clear, and they will rethink this approach. Both parties will be in the minority at some point. Both parties have been and will be in the future at some point. I believe any majority party, whether it be a Democratic Party or a Republican Party, that decides to break the rules to change the rules will rue the day that happens.

I came here because I want to work in a constructive way on public policy. I hope we can continue to do that. But I read the Constitution again and again and understand what it says. It says this Government of ours works when we work together. The 60-vote majority in the Senate I know is nettlesome. I know it gets under people's skin. But it is what has always distinguished this Senate from other bodies. It is what requires compromise. It says to a President—any President, Republican or Democratic President—when you send a name down here for a lifetime appointment to the bench, it ought to be a name that reflects some semblance of compromise; and we have approved 208 of them. One of them I regret we approved. I voted against that one, by the way, a candidate for a lifetime appointment on the court who has written that he believes women are subservient to men. I do not think that person belongs on the bench, but the person made it through here. The fact is, 208 of them are now serving for a lifetime on the Federal bench, which I think is extraordinary cooperation. I believe we have the lowest vacancy rate on the Federal bench that we have had for 15 years or more.

It is profoundly disappointing to see what is going on around the country with a massive amount of money going to the television and radio stations, some by religious organizations, neck deep in politics, saying you know what the minority party is doing in the Senate is hijacking democracy and engaging in mischief, abusing the rules and so on and so forth. I again say to them that is, in my judgment, bearing false witness. They ought to know it.

Let's have a real debate—a thoughtful debate, not a thoughtless debate—about how we proceed to address the major issues affecting America. Yes, the major issues: health care, trade, jobs, energy—the sort of things that determine what kind of life our kids and grandkids are going to have, what kind of opportunity they are going to have.

When they sit around the supper table at night as a family, what are the things people talk about? They talk about, Do I have a good job? Does it pay well? Does it have benefits? Can I care for my family with this income? Do Grandpa and Grandma have access to decent health care? Do we live in a safe neighborhood? Do we breathe air that is quality air and drink healthy water that is not going to injure our health? These are the kinds of things that are important to people. Do we send our kids to schools we are proud of? Yet, are we debating that on the floor of the Senate? No. No, regrettably not. That is not the central set of issues we are debating.

We are now debating this so-called nuclear option. Why? Because out of 218 names sent to us by the President asking for a lifetime appointment to the Federal courts, we have approved only 208. We have approved only over 95 percent, and that is a problem for the majority.

A majority will not long remain a majority if it does not understand the requirement that all of us have to work together: to compromise, to tell the truth, and to do what is best for this country.

Mr. President, let me ask how much time I have remaining.

The PRESIDING OFFICER. Three seconds.

Mr. DORGAN. Mr. President, let me go much longer. I am sorry, for 3 seconds let me thank my colleagues.

This is the time to be controlled on our side by consent, if I might read it into the record? My guess is it will go back and forth: Senator BYRD, 20 minutes; Senator REID, 15 minutes; Senator SALAZAR, 15 minutes; Senator CORZINE, 10 minutes; Senator OBAMA, 10 minutes, Senator LIEBERMAN, 10 minutes; Senator LEAHY, 15 minutes; Senator DURBIN, 1 hour, 10 minutes of that to go to Senator MURRAY; and Senator FEINGOLD, 10 minutes.

Let me ask by consent to understand that is the progress on our side, understanding it would be interspersed with Republican speakers.

Mr. COCHRAN. Reserving the right to object, let me ask the Senator, if I may, does the total of that amount of time exceed the amount under the order that your side of the aisle has been granted, or is it less than that?

Mr. DORGAN. Mr. President, I am told this is within the time that has been granted.

Mr. COCHRAN. I have no objection.

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

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am here to talk about the supplemental appropriations bill. While the Senator from North Dakota is here—he is one of the best speakers in the Senate. He can take a story, tell it, and be clear about what he is saying. He has spoken eloquently about the need for a compromise. I will suggest one to him. I suggested it 2 years ago when I came to the Senate and heard the debate about Judge Estrada. I said at that time that, even if a Democratic President were elected, that I would never vote to filibuster his nomination. In other words, I would always vote to give a President of the United States a fair up-or-down vote on the floor of the Senate on his or her nominee.

I have repeated my pledge to do that on this floor several different times, and, I would say to my friend from North Dakota, if he would get 8 or 10 Democrats to make the same pledge, there would not be any filibuster. There would be no need for a rules change. We could talk about gas prices, we could talk about schools, and we could talk about the war in Iraq. So that spirit of compromise is there.

I was not here during whatever went on before, and, whatever it was, I wish it had not gone on. What I can remember, going back to 1967, which is when I came to this body as a legislative aide even before the President pro tempore was a Senator, is that all during that time this tactic was not used to deny a President an up-or-down vote on his judicial nominees. The only possible argument during that time was the case of Abe Fortas in 1968, and that was a little different.

But put all that to the side, the ''who shot John'' or ''who didn't shoot John.'' If several on that side and several on this side would simply say, as a way of avoiding this train wreck, that we would pledge right now, during our time here, always to vote to give a President an up-or-down vote on his or her judicial nominees, then there would be no need for a rules change, and we could go on to our other business.

Mr. DORGAN. Will the Senator yield?

Mr. ALEXANDER. I will be happy to.

Mr. DORGAN. Let me just observe, because the Senator mentioned me, my

point of supporting the 60-vote threshold is that is what requires compromise. The very presence of the filibuster is what requires compromise. Otherwise you do not have any incentive to compromise, be it the executive branch relative to the legislative branch. That was not my point. It wasn't that we should find a way to allow the nuclear option to exist without changing the rules of the Senate.

Mr. ALEXANDER. Mr. President, I appreciate my friend's point. May I make my remarks now?

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALEXANDER. Mr. President, the supplemental appropriations bill is going to come up. We are going to vote on it. I commend the chairman of the committee for accomplishing what is a difficult job—getting a body that operates by unanimous consent to agree on something and moving it through.

The purpose of the bill is to support the men and women who are fighting in Iraq and Afghanistan. I was there about a month ago. There are so many Tennesseans in Kuwait and Afghanistan and Iraq that it seemed like a Tennessee homecoming. There are literally thousands there—the postmasters of Winfield and Rob Camp. The President of the Rotary Club in Lexington, a physician, just came home. The editor of the newspaper in Dyersburg, two deputy sheriffs from my home county, the superintendent of schools from Athens—these are people in the Reserves or in the National Guard with mortgages and families and jobs, with money and insurance issues at home. They are fighting for us. Some are dying, and they are risking their lives every day. Of course I want to vote to spend every penny we need to spend to support them and to keep them safe.

Once we set forward on a mission, on a military mission, we should have the stomach to see it all the way through to the end in a success strategy, not an exit strategy, and to support the American men and women whom we ask to go.

That does not stop me from objecting and expressing my disappointment to two provisions in the bill. One is the so-called REAL ID Act. Actually, unlike a lot of legislation we pass here, this is well named. This really is a national identification card for the United States of America for the first time in our history. We have never done this before, and we should not be doing it without a full debate. This REAL ID provision turns 190 million driver's licenses, which are now ineffective ID cards, into more effective national identification cards. To add insult to injury, we have also slapped State governments with the bill for them.

I strongly object to this. When I was Governor of Tennessee, I vetoed our State ID card twice because I thought it was an infringement on civil liberties. I thought that driver's licenses are for driving. If we need an ID card, we should have an ID card. The legislature overruled me. I actually had to get one of those cards myself in order to get into the White House, so I lost that battle. So I am very reluctant for this country to have a national ID card. But I reluctantly concluded that, after 9/11, we have to have one and that we ought to be thinking about what would be the best kind of ID card.

I believe the right way to consider that is when we are dealing with comprehensive legislation on immigration, which I hope we do this year, and tackle that problem and the best way to do it. Is the best way to do it to turn the driver's licenses examiners in all the States of the country issuing 190 million driver's licenses into CIA agents? I don't know what it is like in Ohio or other States, but in Tennessee the driver's licenses examiners by and large are there for the purpose of figuring out whether you can parallel park and to take your picture. They are not trained to tell whether you are an al-Qaida terrorist. They are not trained in order to review four different documents and then look at 10,000, maybe 20,000 different databases around the country.

I wonder whether it is even the right approach, in terms of having a national ID card, to rely on driver's licenses. Maybe we should be relying on passports. That has been an efficient system in this country. Or maybe even better, and I suspect this would be better, we should turn the Social Security card—which is directly related to work, which is the subject of the discussion and most of the concern about immigration—into a more definite kind of identification.

But no; instead, without one single hearing in the Senate about a national ID card—which we might not, under our Constitution, even be able to require to be presented to a law enforcement officer—we just pass one, and then we send the bill to the States.

Here we are, a Republican Congress who got elected in 1994 promising to end unfunded mandates—and the Senator in the chair was one of the leaders in doing that—and what do we do, we come up with this big idea, pass it, hold a press conference, and send the bill to the Governors. We do that time after time after time, and we should not be doing that. That is not the way our system works.

It is possible that some Governor may look at this and say: Wait a minute, who are these people in Washington telling us what to do with our driver's licenses and making us pay for them, too? We will just use our own licenses for certifying drivers, and Congress can create its own ID card for people who want to fly and do other Federal things. And if Congress doesn't do that, then we will give out the home telephone numbers of all the Congressmen and let the people—of California, say—call everybody up here and say, ''why did you keep me off the airplane when I needed to get somewhere?''

That is what we have done. We have just assumed that every single State will want to ante up, turn its driver's licenses examiners into CIA agents, and pay hundreds of millions of dollars to do an almost impossible task over the next 3 years.

We did that without any recognition in this legislation that we are not the State government, we are the Federal Government, and, if we want a national ID card, we should be creating a Federal ID card. If we want the States to create one, we should talk to them about it, and then we should pay for it.

So in the end, the States will pay the costs. In the end, the States will listen to the complaints from citizens who are going to be standing in long lines while they search for four kinds of identification; the driver's license examiner tries to connect with thousands of databases, which they have no capacity to do today. The States will take the blame when somebody uses a driver's license inappropriately.

The REAL ID Act has been structured in such a way that it is not technically an unfunded mandate, but anybody listening to this debate knows it violates the spirit of our promises in 1994 and 1995 not to do this anymore.

So I intend to offer an amendment at the appropriate time that will have two main points, but the overall point is to have the Federal Government pay for the cost of this new requirement that the States have no choice but to accept. It will allow States to submit documentation to the Department of Homeland Security of what the costs are, and it will establish a process to pay the annual increase in those costs.

I wish we had done this in a different way. I think we should have honestly faced the fact that we now need some sort of national identification card. I say that reluctantly because, as I said, I vetoed even a State card. But times have changed. But to do this without a hearing and without our tradition of respect for civil liberties and our respect for federalism, I think is wrong.

Mr. President, if I may take 2 more minutes, I would like to express my disappointment with one other provision. This conference report says we do not trust President Bush in dealing with the Palestinian Territory. Here we are, a Republican Congress, at least by a majority, with a Republican President who is leading a lot of the world to freedom, who is just returning from a triumphant visit to Georgia—a great beacon—who has taken the courageous step of trying to help solve the Middle East problems, and we are saying: Mr. President, we are going to appropriate money to help with the emerging democracy in the Palestinian Territory, but we do not trust you to spend the money.

That is what this provision does. The Senate did not vote that way. The Senate voted another way. The Senate voted to give the President the right to waive the authority, giving the President the right to decide, in effect, who got the money.

The reason I think the provision makes so little sense is because we are going to turn around and say in a few weeks, as the Israelis pull out of the Gaza Strip, Who is responsible for security there? We are going to expect the Palestinian Authority to be responsible for security there. Who is responsible for feeding some of the poorest people in the world? We are going to expect the Palestinian Authority to be responsible for that.

If we are going to hold the Palestinian Authority responsible, the President might want to give them the money. Arafat is dead. There is a new finance minister there who has impressed all of us on a bipartisan basis.

He was born in Palestine, lived here, and got his degree at the University of Texas. He is doing things in a way that is open. He has earned the confidence of people all over the Middle East. He is taking control of the money. And if he stopped doing that, the President could stop giving him the money.

But why in the world would the Congress show such a lack of respect to the President of the United States, in the middle of a peace process, by saying: ''No, Mr. President, we do not trust you to make a decision about what to do with the money that we appropriate for the Palestinian Authority or to help the Palestinian Territory emerge as a democracy''?

So I am very disappointed by that as well. And there is other money that has been authorized this year that does give the President that authority. I hope in future conferences and in future debates and discussions we recognize that Arafat is dead, there is hopefully a democracy emerging, and there is a finance minister there who is making public accounting of all the money. He is direct depositing money for the troops. He is publicly advertising it through bids. He has impressed his neighbors, and he has impressed all of us who have visited with him on a bipartisan basis. I hope we keep that in mind as we consider this issue.

Thank you, Mr. President, for the time.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty minutes.

Mr. BYRD. Twenty minutes. Mr. President, I yield myself such time as I may consume within that 20-minute limitation.

I again thank Chairman THAD COCHRAN for his patience in the processing of this supplemental appropriations bill when it came before the Senate. He was especially patient during the Senate consideration in seeing that all who wanted to offer amendments were afforded the opportunity to be heard.

The members of the Appropriations Committee have had a longstanding sense of cooperation, comity, and civility. There is always give and take, live and let live, on both sides of the aisle. And that was the same with regard to the Senate processing of this supplemental. Everybody did not get everything he or she wanted in this supplemental, but Members were treated fairly in a bipartisan manner.

However, when it came to processing the supplemental in conference, several members were severely disappointed that the conference was recessed subject to the call of the Chair. As a result, several Senators were precluded from offering their motions and their amendments.

A number of Members on this side of the aisle have expressed disappointment that the conference did not have any open debate on the immigration provisions, including the REAL ID legislation, that found their way into the bill, and that neither the majority nor the minority of the Senate Appropriations Committee participated in the formulation of the REAL ID immigration provisions.

These REAL ID provisions were formulated behind closed doors by the House and Senate Republican leadership. After the conference had recessed subject to the call of the Chair, a 55-page modified version of the REAL ID authorizing legislation was laid into the conference report.

It was simply grafted onto the emergency supplemental appropriations bill that provides funding for our military operations and our troops, without debate or participation by the conferees. I do not fault the chairman of the Appropriations Committee. This was not his doing. This was done by the House and Senate Republican leadership.

The bill totals approximately $82 billion, which comes in at about $1 million below the request. Virtually the entire bill is designated as an emergency, thus increasing the deficit.

Department of Defense totals $75.9 billion, $0.9 billion above the request.

International assistance totals $4.1 billion, which is $1.5 billion below the request, but it grew in conference to levels $866 million more than the House and $42 million more than the Senate.

Border security funding totals $450 million of new emergency spending. This compares to my conference motion to include $665 million for border security. In order to increase the size of the border security effort, staff identified $100 million of low priority homeland security funds to use as offsets, bringing the total package to $550 million.

Despite having taken credit for improving security on our borders when he signed the Intelligence Reform Act in December, the President requested no actual funding for border security. My initiative, with the support of Homeland Security Subcommittee Chairman JUDD GREGG and Senator LARRY CRAIG, will result in 500 more Border Patrol agents, 218 new immigration investigators and detention officers, 1,950 more detention beds, 170 support personnel, and funds for training and housing the new personnel.

Many of the President's requests for expanded flexibilities were substantially reduced in the Senate bill and sustained in conference.

The President's request for $5 billion transfer authority for Defense Department funds contained in the supplemental bill was reduced to $3 billion.

In combination, under the conference report, the Secretary of Defense has transfer authority in fiscal year 2005 of $10.7 billion, down from a total of $14.7 billion requested.

The President's request for authority to spend contributions to the Defense Cooperation Account in fiscal year 2005, without subsequent approval by the Congress, was rejected as it should have been.

The President's request for a $200 million slush fund, entitled the Global War on Terrorism, GWOT, Fund, under the control of Secretary of State Condoleezza Rice, was rejected as it should have been.

The President's request for a $200 million ''Solidarity Fund'' for the Secretary of State, under Peacekeeping Operations, to reimburse coalition partners—such as, Poland, Ukraine, Lithuania, Hungary, and Bulgaria—for defense costs, was approved at a level of $230 million, of which $30 million can be used for GWOT-type activities. However, the act requires consultation and notification of the Congress prior to using the money.

The conference report includes language that I authored prohibiting executive branch agencies from creating prepackaged news stories unless the agency clearly identifies that the story was created and funded by an executive agency. It troubles me greatly that there has been a proliferation of executive branch agencies creating so-called news stories and then distributing them without identifying the story as having been produced with the taxpayer's money. We trust the media to provide us with independent sources of information, not biased news stories produced by executive branch agencies, at whose expense, taxpayer expense.

On February 17, 2005, the Government Accountability Office issued a legal opinion to the executive agencies stating that such prepackaged news stories violated the law. Regrettably, on March 11, 2005, the Office of Management and Budget issued a memorandum to agency heads specifically contradicting the opinion of the Government Accountability Office.

This conference report ''confirms the opinion of the Government Accountability Office dated February 17, 2005.'' I am pleased that the conferees and now the Congress have agreed to this clear message that taxpayer dollars should not be used to create prepackaged news stories unless the story includes a clear message that the story was created by a Federal agency and paid for by taxpayer dollars.

I was also pleased that the conferees agreed to my sense of the Senate language on budgeting for the war in Iraq.

The conference report says that the President should submit a budget amendment for fiscal year 2006 by September 1, 2005, and should include funds in his fiscal year 2007 budget for the war when it is transmitted in February.

Congress has now appropriated over $210 billion. That is $210 for every minute since Jesus Christ was born. Think of that. Congress has now appropriated over $210 billion in four different emergency supplementals for the war in Iraq. That is a lot of money, and it is your money, $210 billion. It is your money, Mr. and Mrs. Taxpayer, your money. Two hundred ten billion dollars for the war in Iraq, and there is no end in sight.

We should not continue to fund the war through ad hoc emergency supplemental bills that are funneled through the Congress quickly when our troops are running out of funding.

The conference report also includes my proposed 3-month extension of the Abandoned Mines Land Program. Last fall, I offered, and the Congress approved, a 9-month extension of the program in order to give the authorizing committees time to act. Unfortunately, since last fall, the authorizers have held no hearings and considered no bills on the matter. So once again I urge the authorizing committees to approve this legislation that is important to West Virginia and important to all other coal-producing States.

Finally, I thank the staff on both sides of the aisle. On the majority side, I thank Keith Kennedy, Clayton Heil, Les Spivey, Sid Ashworth, Paul Grove, Rebecca Davies, and all of the others. On my own side, the minority side, I thank that man from Notre Dame, our minority staff director, Terry Sauvain. I thank his very able deputy, Charles ''Chuck'' Kieffer. These are two the likes of which you will never see again. I also thank Charlie Houy, Tim Rieser, B.G. Wright, Chad Schulken, and all of the others on the minority side who worked the long hours—I mean long hours—to assist Senators in the production of the final conference report.

Mr. President, there were some problems in conference, most notably the recessing at the call of the Chair and not returning, which left some of our members unable to offer motions. During the recess, 55 pages of modified REAL ID immigration legislation were inserted into the conference report, sight unseen, by the conferees. Now, can you imagine that? That would not have happened when I was chairman of the Appropriations Committee. That would not have happened when I was majority leader of the Senate. I will tell you, I don't blame our chairman or any committee members for this situation, but I do acknowledge that there were problems.

Nevertheless, the conference report provides the necessary funds for our troops in the field in Iraq, Afghanistan, and elsewhere. I will always support money for our troops, may God bless them. I support them. We must support our troops, our men and women. They didn't ask to go there. They are doing their duty. They are answering the call. I do not support the policies that sent them there. I did not support it in the beginning. I did not vote to authorize this President or any other President to use the military of this country as he might see fit. I did not cast my vote there. I never, at any time, believed that Saddam Hussein, for whom I did not carry any brief—or the country of Iraq posed a national security threat to our country. I said so then, I say it now, and I believe that. So I did not vote for the policies that sent them there and keep them there. There is no end in sight. It bleeds our country of money and blood. No, I don't support that policy, and I didn't support it when the President sent our men and women there. But I do support the troops. I support them and will always support the troops of our country—may God bless them.

Nevertheless, the conference report, as I say, does provide the necessary funds for our troops in the field in Iraq, Afghanistan, and elsewhere. I supported the war in Afghanistan because there was al-Qaida. Al-Qaida attacked us. Al-Qaida invaded our country when it toppled the Twin Towers, and struck the Pentagon, and drove a plane into the ground in Pennsylvania. I supported that war. But there are two wars, the one in Afghanistan and the second war in Iraq—a country which did not invade our country, a country which did not strike our country, and a country which posed no security threat to our country.

But that is neither here nor there when it comes to our troops. That is something else. We will support our troops. I thank the Chairman for his excellent work, for his cooperation and fine leadership in our Committee, and for his support of the troops likewise. I urge the adoption of the conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, as Senators know, there is time for debate of the conference report, for Senators to come over and speak, if they so choose, about the provisions of this bill and the effort we have made to meet the challenge the President has laid before us, and that is to produce a bill that provides funding for support for our troops and other officials from the State Department and other agencies who are engaged in operations in Iraq and Afghanistan and in the global war on terror. The majority of the money provided in this legislation is for those purposes.

I am pleased the committee was able to restrain the temptation that always exists to add money that was over and above the request made by the President. The fact of the matter is that this committee showed discipline and commitment to fiscal restraint. We brought a bill back in the initial stages of this process that was below the request made by the President and that was below the request provided in the House-passed bill.

Our Senate Appropriations Committee reported legislation providing funding that was lower than either one of those documents. In conference with the House, we did resolve differences. There was give and take. Both sides had their opportunity to speak. We met on two separate occasions with our Senate conferees, joining representatives from the House in a wide range of discussion. Nobody was cut off when they wanted to discuss the issues or offer alternatives to provisions of the House-passed bill. The REAL ID provision that has come up, which some have complained about, was not a product of the Senate's action. It was put into the bill on the House side, but it was in conference. Because that legislation contained immigration issues and the identification issue, there were those in the Senate who offered germane amendments on the broad, general subject of immigration policy, guest worker provisions, quotas, workers who could come from foreign countries into the United States. The Senate will remember that we have debated several amendments on those subjects. We approved some and we rejected some.

In conference with the House, a majority of the conferees of the Senate worked with a majority of the conferees in the House to get a compromise conference report. That has been brought back to the House now and passed by a substantially overwhelming margin, 368 to 40-something, as I recall.

The Senate is prepared to wind up debate in a matter of an hour or two, under the order that has been entered. I hope the Senate will give support to this conference report and overwhelmingly approve it. It reflects strict discipline in the appropriations process, but at the same time it provides the funds needed for those who are engaged in the important operations in Iraq and Afghanistan to safeguard the security of our country and to promote democracy and help ensure a safer world. I am hopeful the Senate will approve the conference report.

I am prepared to yield the floor. Seeing no Senator seeking recognition, 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. COCHRAN. 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. COCHRAN. Mr. President, I was curious when I put in the suggestion that a quorum be present as to how time would be charged under the time that is being used now under the quorum call.

The PRESIDING OFFICER. The quorum call is charged to the Senator who suggests the absence of a quorum.

Mr. COCHRAN. Mr. President, since there are no Senators on either side present, I ask unanimous consent that the time be charged equally between both sides.

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

Mr. COCHRAN. 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. LEAHY. 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. LEAHY. Mr. President, I believe under the order the Senator from Vermont has some time reserved.

The PRESIDING OFFICER. Yes, 15 minutes.

Mr. LEAHY. I thank the Chair. I will use part of it.

I am voting for the supplemental, but I have grave misgivings about the President's policy in Iraq, the enormous strain it is putting on our Armed Forces, the horrific toll of the insurgency on innocent Iraqis, but especially the lack of a credible exit strategy.

We tried to get legislative language considered that would link the training and equipping of Iraqi security forces to the phased withdrawal of our troops. That made sense. As we train them and they are able to take over responsibility for security, we should withdraw our troops. The White House would not even consider this. I suspect had the White House asked our troops in the field or the American people, they would say that is what they want. It is also what most Iraqis want.

I am voting for the supplemental because I am concerned about our troops, many who were sent to fight and some of whom have died—as we understand from the press, even though we could not get this from the administration—without the proper armor. I opposed their deployment to Iraq, and I want to see them return home as quickly as possible, but in the meantime, I want them to have the best protection and equipment. They were sent into harm's way by the order of the Commander in Chief, and they should be protected as well as they can be.

There are other reasons I am voting for the supplemental, but I want to mention one in particular. There is a provision which I sponsored and Senators BOXER and FEINSTEIN of California cosponsored which designates the program to assist innocent Iraqi victims of the military operations as the Marla Ruzicka Iraqi War Victims Fund.

This program, and one like it in Afghanistan, was inspired by Marla Ruzicka of Lakeport, CA. She died on April 16, 2005, at the age of only 28, from a car bomb in Baghdad. Marla's colleague and friend, Faiz Ali Salem, also died in that attack, both were on a mission of mercy.

I first met Marla 3 years ago. She worked closely with me and my staff, especially Tim Rieser of my Appropriations Committee staff, from the day after she arrived in Washington in 2002 until the day she died. In fact, Tim received e-mails and photographs of her holding a child she had helped that came in just hours before she was killed.

She was an extraordinarily courageous, determined young woman. She brought hope and cheer to everyone she met, from our military to people who were suffering from the ravages of the war. But she did it especially for the families of Afghan and Iraqi civilians who were killed or wounded as a result of the military operations. She felt passionately that part of being an American is to acknowledge those who have suffered and help their families piece their lives back together.

Who would not agree with that? By showing them a compassionate face of America, she not only gave them hope, she helped overcome some of the anger and resentment many felt toward our great country.

Over 90 percent of the casualties of World War I were soldiers. That changed in World War II. And since then, it is overwhelmingly civilians who suffer the casualties.

Rosters are kept of the fallen soldiers, as they should be, but no official record is kept or made public of the civilians who died. That is wrong. It denies those victims the dignity of being counted, the respect of being honored, and it also prevents their families from receiving the help they need.

In her young life, Marla forced us to face the consequences of our actions in ways that few others have. Even more importantly, she made us do something about it. She brought both parties in this Chamber together to help. What she did in Afghanistan and Iraq by the time she was 28, the end of her short life, was an achievement of a lifetime, far more than most people do in a much longer life.

This Saturday, from 2 to 4 in the afternoon, I am going to host a gathering in the Senate caucus room in the Russell Building so that anyone who is interested can learn more about Marla's work and the U.S. Government programs she inspired. I hope we can discuss ways for all of us to continue the campaign on behalf of innocent victims of conflict.

I thank my colleagues on both sides of the aisle for supporting naming this program after her. I want the work she started to continue. I doubt that we will see another person quite so remarkable as Marla, but I have to think there are a lot of other Americans who would want help if we give them the support they need.

I see the distinguished Senator from Connecticut in the Chamber. I reserve the remainder of my time and yield the floor to him.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the supplemental appropriations bill. I do so because it supports the men and women of the American military, in my opinion the greatest fighting force in the history of the world. I say that, really having thought about it. It supports them in their efforts to advance the cause of freedom and to protect the security of every American by what they are doing to fight terrorism and terrorists in Iraq and Afghanistan.

I do want to note, however, my strong objections to House provisions known as the REAL ID Act that have been included in the conference report. The REAL ID Act will repeal ID security provisions enacted with overwhelming bipartisan support last year at the urging of the 9/11 Commission and place them with rigid and unworkable Federal mandates on State government for the issuance of driver's licenses, long exclusively a matter of State law.

The conference report from the House also includes punitive immigration provisions we rejected last year and that have no place on an emergency spending bill. In my opinion, our Nation is safer if we continue to implement the protections we passed last December rather than allow an ideological debate over immigration policy to derail those initiatives so vital to the war against terrorism.

Notwithstanding my strong objections to the REAL ID components of the conference report, I strongly support the report and I do so based particularly on a visit I was able to make last week to Iraq, the third I have been privileged to make in the last 10 months. I am back feeling we are at a tipping point and it is moving in the right direction in Iraq. It requires the sustained, strong, and visible American support that is expressed in this supplemental appropriations.

There is no doubt that the recent spate of suicide bombings has riveted the media's attention and as a result the attention of the American people, but I assure my colleagues those suicide bombings and those suicide bombers are a small, though devastating, part of life in Iraq today. They have got to be understood in context.

I come back from Iraq seeing it this way: There are more than 25 million people in Iraq. Eight million of them came out in the face of terrorist threats to vote for self-governance on January 30 of this year. They have stood up a government which is impressive and inclusive. Their military is gaining strength and self-sufficiency every day. There are 25 million on one side wanting to live a better, freer life. On the other side are the insurgents, the terrorists, the enemy, variously estimated at 10,000 to 12,000, some would say less.

For as long as I can remember as a member of the Senate Armed Services Committee in briefings we have received and on previous trips to Iraq when I have asked who are these insurgents, every other time I have been told most of them are former regime elements, leftovers from Saddam Hussein who want to go back into power and stop this new government, particularly a government which represents the majority of people in Iraq, Shi'a Muslims, to take power.

Then I was always told a minority is terrorists who are people associated with Zarqawi and al-Qaida. This time it began to turn around and that is a very significant development.

I was informed that the number of former regime elements, the number of Iraqi Sunni Muslims involved in the insurgency, is dropping. In fact, some of them have begun to reach out to come over to the other side because they see the future tipping in another direction. However, there is an increase in the movement into Iraq of foreign terrorists. Sometimes they are people recruited over the Internet, recruited at religious sites, coming into Iraq usually from Syria for as short as a day before they are strapped with bombs, sent in a vehicle aimed at a crowd of Iraqis in a marketplace, sent to be in a line of Iraqis ready to enlist in the Iraqi military or in the police force, who then blow themselves up.

What I am saying is there is a historic transformation going on in Iraq that already has and, if it can continue to go with our support, will resonate throughout the Arab world. I know that as the American people every night see only the suicide bombings, they begin to lose hope about what is happening in Iraq. I appeal to the American people to understand that those bombings, as devastating as they are, are the result of the fanatical work of a minority of people, the same people who attacked us on September 11, 2001—same attitude, same mindset, same hatred. If we diminish our support for our presence in Iraq today for the Iraqis who want so desperately to find a better life and govern themselves, we will have lost a moment of historic opportunity and we will ultimately pay the price for it ourselves.

I had the opportunity to meet with the new leadership of Iraq, the new President of Iraq, Jalal Talabani, a Kurdish leader for decades, who many of us have met and come to know, a good man, a strong man. I sat with him and realized this is the duly elected successor to the brutal, murdering dictator Saddam Hussein. It is a miracle, something that neither he nor I, nor most of us, and particularly the Iraqi people, could have imagined just a few years ago. President Talabani deserves our support.

I met with the new Prime Minister, Ibrahim al-Jaafari. I never met him before. He is a good man. I found him to be thoughtful, strong, clear, very religious, very inclusive. Neither the Shi'a nor the Kurds who suffered terribly under Saddam—and one might understand the human instinct for revenge—have yielded to it. They have reached out to the Sunnis. We have not seen it in the papers and on the TV, but they are reaching out to bring them into the Government to try to create a leadership by consensus that will assure a better future for the Iraqi people.

I want to say a final word about the American military. As I said at the outset, it is the finest in the world. It deserves our support. The election, the negotiations with the Sunnis, the increasing capability of the Iraqi military, all bring Iraq to a tipping point in the right direction. It is historic. The American military understands what is going on. I had the privilege, over the last 16 years, to visit many of our men and women in uniform around the world. I have never seen our military more proud of what they are doing, with morale higher, more skillful, better equipped to carry out the mission than they are carrying out. This bill helps them to do what we have asked them to do.

I want to say, finally, that we have to exploit this moment, this tipping point, and act aggressively with the Iraqi government to bring over more of the insurgents, thus isolating the foreign fighters, the terrorists, the al-Qaida/Zarqawi network people, and making it harder for them to move freely and resupply themselves.

This has really now become quite explicitly a war against the terrorist movement that struck us on September 11, 2001. That, to me, means moving aggressively to close the border with Syria to stop the flow of terrorists, and further help bring stability to Iraq. Operation Matador, now in its third day in Iraq near the Syrian border, is the kind of sustained military effort we need. Our pride, our prayers, our gratitude go out to the Marines and others in the American military who have advanced Operation Matador with such remarkable success.

Our engagement in Iraq is crucial. It is in the best bipartisan traditions of American foreign policy that run from Woodrow Wilson to George W. Bush, with a lot of good Democratic and Republican Presidents in between. This supplemental supports that policy. It advances the cause of freedom. It protects American security. It supports the American men and women who are performing so valiantly and constructively. I urge its adoption. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, today I will cast my vote in support of the conference report on the 2005 supplemental appropriations bill for Iraq, Afghanistan, and tsunami relief. I do so despite my strong objections to the administration's policy of continuing to fund our military operations in Iraq and Afghanistan through emergency supplemental bills. These needs should be addressed in the regular budget request so that they can actually be paid for, not placed on the tab of the American people so that debt can pile up. But the fact remains that our troops on the ground need timely support, and I will cast my vote to see that they get it, and the victims of the horrifying 2004 tsunami in South and Southeast Asia are provided with some meaningful relief and assistance.

I am pleased that the conferees retained my amendment to make it easier for the families of injured servicemembers to travel to the bedsides of their loved ones. I am disappointed that a sunset provision was added to this common-sense measure, and I will continue fighting to ensure that the benefits to military families provided by my amendment become permanent.

My vote in support of this conference report also comes with serious reservations because it contains the extremely troublesome immigration and driver's license provisions of the REAL ID Act, which the House passed as an amendment to this bill.

I strongly support efforts to curb illegal immigration and to prevent terrorists from entering our country to do harm. But as we work to secure our borders and protect our Nation from future terrorist attacks, we must also respect the need for refugees, foreign workers, family members, students, businesspeople, visitors, and others who wish to come to our Nation legally.

The REAL ID Act is a big step in the wrong direction. The new restrictions on immigration in the REAL ID Act are not necessary to protect national security. Rather, they will only serve to create serious and unjustified hardships for people fleeing persecution and for other non-citizens.

Not only that, but the Senate has had no opportunity to consider the REAL ID Act. It is astounding that Congress would enact these significant immigration changes without the United States Senate ever having held a hearing on them, without the Judiciary Committee ever having considered them, and without Senators ever having taken a vote specifically on those reforms or having had an opportunity to offer amendments. Obviously these issues are too important to address them in such a truncated way. Congressional leaders have no business tacking these very significant and controversial changes to immigration law onto an unrelated, must-pass appropriations bill. Clearly, this process was used because these changes could not pass the Senate on their own merit. They had to be added to legislation that contains vital funding for our troops in Iraq.

What has happened to the legislative process? I know that some in the other body, and some in the Senate as well, have very strong feelings about these immigration provisions. But strong feelings do not justify abusing the

power of the majority and the legislative process in this way. I strongly object to this tactic.

Let me explain a few of my concerns with the REAL ID Act. First, this conference report will make it even harder for those fleeing persecution to seek asylum in this country. These changes to asylum law are simply unnecessary. As any attorney who handles asylum cases can tell you, asylum cases are already extremely difficult to prove. In fact, only about 30 percent of asylum applications are granted today. Those seeking asylum in the United States already undergo the highest level of security checks of all foreign nationals who enter this country, and the provisions in this bill will result, I am sure, in the rejection of legitimate applications without making us any safer.

The asylum provisions of the REAL ID Act were improved somewhat in conference, and I greatly appreciate the work Senator BROWNBACK did to make changes to the House-passed version. But the changes do not go far enough to adequately protect asylum seekers. This bill will have real effects on real people—people who will be sent back to countries where they or their families may be harmed or even killed because of their political or religious beliefs.

There are also provisions in this bill that would further restrict judicial review in immigration proceedings. This is not the time to downgrade the judicial branch's longstanding role as a check on the abuse of executive branch power, particularly in light of some of the administration's unprecedented actions since September 11, 2001. Noncitizens have borne the burden of many of the administration's egregious civil liberties violations that have occurred since September 11. I believe that we can fight terrorism without compromising our civil liberties. Making it harder for non-citizens to seek judicial review in immigration proceedings is sending exactly the wrong message about the need to respect the Constitution and basic human rights.

The REAL ID provisions in the conference report also have potentially serious environmental implications. One section of the conference report allows the Secretary of Homeland Security to waive all laws that he deems necessary to allow expeditious construction of barriers at the border. Let me repeat that: The Secretary can waive any and all laws that he wishes in order to construct these barriers. I guess that could include labor and safety laws, but certainly it means that environmental regulations can be waived, at the sole discretion of the Secretary.

I also want to address the driver's license title of the conference report. This title of the REAL ID Act is particularly unfortunate because it repeals provisions of the Intelligence Reform and Terrorism Prevention Act, which we just passed a few months ago, and replaces them with the unworkable mandates that Congress rejected when debating the intelligence reform legislation. The intelligence reform bill required a negotiated rulemaking process to develop minimum identification standards, a process that is already under way and has included State governments, the Departments of Homeland Security and Transportation, law enforcement, industry representatives, privacy advocates, and immigration groups.

They all had a seat at the table under the intelligence reform bill. In fact, they met for 3 full days just a few weeks ago. This process would have, in all likelihood, resulted in sensible, realistic standards for driver's licenses to improve security.

Instead, the REAL ID Act mandates a long list of expensive and inflexible requirements for the states, some of which could have serious unintended consequences.

Let me give you an example that demonstrates why we should not be rushing these provisions into law. A variety of States, either by law or policy, have address confidentiality programs that permit law enforcement officers, judges, or domestic violence victims to list something other than their home address on the face of their driver's license. They are required to provide their home address to the DMV, but it is not actually printed on the license. This is an important security measure to protect public officials and victims of violence from individuals who wish to do them harm.

The REAL ID Act would override these protections by mandating that a person's home address be printed on the face of the driver's license itself. Had the Senate Judiciary Committee had an opportunity to review this bill, I feel confident we could have addressed this issue in a more nuanced way, and certainly the process now underway that this bill will short-circuit would have taken into account the legitimate public safety interest allowing some people to not list their actual addresses.

The intelligence reform bill struck the right balance by setting up a mechanism to help improve the security of State identification cards, while also ensuring that States and other interested parties would have input into the process of determining minimum identification standards. I am very disappointed that the REAL ID Act is overriding this ongoing process with costly and unrealistic requirements that leave States with little discretion.

On top of all this, the REAL ID Act prohibits the issuance of State driver's licenses to undocumented aliens. States should be the ones to decide whether, in the interests of public safety, they wish to issue driver's licenses to undocumented aliens. The reality is, there are millions of undocumented workers in the Nation. States could reasonably decide, just as Wisconsin has, that from a law enforcement and public safety perspective it is better to ensure that these individuals have been tested on their driving skills, have obtained insurance, and are readily identifiable, rather than to force them to drive illegally.

While I am extremely concerned about the effects these REAL ID provisions are going to have on noncitizens and on already cash-strapped State governments, I do want to note one bright stop in the immigration landscape of this bill. That is the provision that addresses the shortage of H–2B visas for temporary, seasonal workers. The cap for H–2B visas was reached just 3 months into the 2005 fiscal year, in January, which meant that employers in Northern States, such as Wisconsin whose tourism, landscaping, and other seasonal industries get started later in the year, have been unable to hire workers using H–2B visas.

Senator MIKULSKI and Senator GREGG worked tirelessly to ensure that this provision was enacted into law in time to help employers who need workers this year, and I do commend them for their efforts. I have been proud to cosponsor their H–2B legislation, and I am very pleased this is about to become law. Unlike the REAL ID bill, this provision had overwhelming bipartisan support in the Senate and quick congressional action was definitely needed.

Mr. President, I will vote for this legislation because our Armed Forces need the funds it provides, but I strongly object to the inclusion of the REAL ID Act in the conference report. Those who support these provisions have prevailed only because they were willing to upend the legislative process to achieve their ends. I certainly regret that, and I think many of us will come to regret that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today to briefly discuss the conference report to the emergency supplemental appropriations bill, which we hope to adopt later today.

First, I thank my colleague from Mississippi, Senator COCHRAN, for the good work he has done. I plan to support adoption of this conference report. There are certainly a number of programs that will benefit greatly from passage of this bill. It is the right thing to do.

I must say, though, there are a few areas, which I will discuss in a moment, where I do not think we have gone quite far enough.

First, let's talk about the most important thing. Of course, that is the money that will go to support our soldiers. That is really why we are here. That is the most important provision in the bill. Let me talk about a couple of specific items that will aid our soldiers.

This bill includes Senator CRAIG's amendment, which I cosponsored, to provide an immediate payment—it ranges from $25,000 to $100,000—to those who have suffered traumatic injuries

on active duty, such as the loss of an arm or leg or the loss of their hearing or sight.

The bill also includes my second-degree amendment to Senator CRAIG's amendment making this provision retroactive to October 7, 2001. This second-degree amendment I offered will ensure the coverage of soldiers who have been injured in Iraq, injured in Afghanistan, those soldiers who many of us have seen or talked to who are currently recuperating at Walter Reed, Bethesda, or other hospitals around our Nation, as well as those who have left the hospital and are learning to live with their injuries.

This amendment would help service members, such as Army SSG Justin Shellhammer, whom I spoke to today on the phone. Justin Shellhammer is a courageous young man, someone of whom we can all be very proud. I talked to him on the phone this morning. He is excited he is going to get a leg this afternoon. He told me about how his recuperation has been coming along and what his prospects are. When you talk to someone like him, your heart goes out to him. But, frankly, you feel great admiration for him and how courageous he is.

I am also pleased this bill includes an additional $150 million for the procurement of up-armored humvees. Many of us on the Senate floor and in the House have supported, for a long period of time, increases in funding for this program. It is an important program. There is a critical need for these vehicles in Iraq and Afghanistan and here in the United States where they are used for training.

Quite simply, these vehicles have saved the lives of hundreds if not thousands of service men and women and enabled them to complete their mission.

Just a few moments ago, I talked about the fact that there are some items that should have been included in the bill that are not. I am, frankly, a little disappointed.

The conference report does not provide the death gratuity increase that we provided to all Active-Duty deaths. This bill increases the death gratuity to $100,000—and that is a very good thing—to the families of those who have died in service to our country. But the language in the bill that came out of conference provides only for deaths that occur in a combat zone or those that are ''combat-related.'' I think that is much too narrow. I think it is a shame. I think it is too bad that is what the conference did.

If we do not apply the death gratuity increase to all Active-Duty deaths—which is what we should have done—we will not be covering a number of individuals who die while carrying out their orders, who die in service to our country. Their families will not be covered. For example, we will not cover the family of a service member who gets into a fatal car accident carrying out very specific orders to deliver files from one side of his home base to another, in service to his country. His family will not get that death benefit.

We also will not cover the death of a service member who gets into a fatal accident en route to a conference he or she was ordered to attend. And it will not even cover a military police officer guarding the gates of one of our domestic bases who may fall from heat stroke. I do not think that is right. I think that was a mistake the conference made.

As I have done since the beginning of this Congress, I will continue, as I know others will, to work to expand the applicability of this critical benefit.

I must say, I was also disappointed that we were unable to pass an extended TRICARE Prime medical benefit for children of decreased service members. Under current law, the dependent child of a deceased service member receives medical benefits under TRICARE Prime for 3 years at no cost. But following that period, the dependent children may continue to receive TRICARE Prime, but they must pay for that benefit at the retiree dependent premium rate, available to children under the age of 21 or 23 if they are enrolled in school. Also, after 3 years, when a dependent child's military parent dies, and if that family elects to pay the premium and stay enrolled, even if they pay that premium, that child would move down on the food chain, so to speak, in terms of the availability of services and priority. I do not think that is right. I think we need to correct that.

What that means is that if there is a doctor's appointment opening, and your parent is alive, and your parent is continuing to serve, you get preference over a child whose parent was killed in Iraq or Afghanistan. Now, do we really think that is right? I do not think so. I do not think there is any person on this floor or in the Senate who would say that is right.

This is simply not fair. I don't think any Member of the Senate who really understands this would say that is right. My amendment, which was not included in this bill, would have changed that by putting surviving children of service members killed in service in the same position—no better but no worse—as if their parent would have lived and continued to serve in the military. It would have put them in no better position but, rather, in the same position, and they would continue to receive TRICARE Prime at no cost until they became an adult.

I wish to let my colleagues know that I plan to continue this debate and to try to get this in the Defense authorization bill. This is a matter of simple fairness. It is the right thing to do. So this discussion will continue this week and in the weeks ahead.

Let me turn to another topic that this bill addresses, and that is humanitarian assistance. I believe we did a pretty good job in this bill—again, I congratulate the chairman—as many essential priorities were funded. Because of what the chairman did and what others did, many people will be fed, many people will be helped maybe not at the level I would have liked in some cases, but we did a pretty good job.

One country that certainly needs assistance in this supplemental is Haiti. Haiti is embarking on a road to attempt to move toward democracy. They have had a very troubled past, a troubled present. Its current history is troubled. They are facing elections this year.

I thank Chairman COCHRAN and Senator BINGAMAN, Chairman MCCONNELL, and all the conferees who supported my efforts to include emergency money for Haiti. Haiti needs election assistance and security. This bill provides $20 million for election assistance this year, for police training and for public works programs. All this money is urgently needed. I will be working closely with the U.S. Agency for International Development to ensure this money flows quickly into Haiti.

Another troubled spot in this world is Darfur. Again, I congratulate the chairman for his work. Senator CORZINE offered an amendment. Senator CORZINE has been a true champion in this area. I congratulate him. He offered an amendment, of which I was the lead cosponsor, regarding Darfur. I thank him for his efforts and commitment to helping end the crisis in the region. The final conference report provides $50 million to support the African Union to stop the genocide in Darfur. Again, I thank Senator MCCONNELL and Senator LEAHY for their good work in this area as well.

The conference report also provides an additional $90 million for international disaster and family assistance to help ensure humanitarian aid flows to Darfur and other African crises. We are looking at genocide in Darfur. We are staring it down, and we cannot afford to blink. It is only right that this bill contains funding for this crisis.

Finally, I thank Senator KOHL for his efforts to help increase our U.S. food aid. I worked with Senator KOHL. I was his lead cosponsor on his amendment, which the Senate passed, to include $470 million in food aid to cover known worldwide aid shortages. Again, I thank Senator COCHRAN for his good work in this area.

The conference report, unfortunately, contains only $240 million. This money will help, but it is not at the level the Senate had provided. This is not enough to cover existing shortfalls, much less new emergencies or worsening conditions in places such as Ethiopia. Last year, 300,000 children in Ethiopia died of malnutrition. This year, the situation is worse, with drought destroying crops in large parts of the country. The people of Ethiopia will avoid the starvation that is on the horizon only if we act. That means remaining open to the possibility of

using the Bill Emerson Humanitarian Trust and other tools in our food aid arsenal. We must understand that it is not only Ethiopia where we have a crisis; we have crises all over the world with regard to food aid. We simply do not have enough food.

I am proud to be joining Senator KOHL in sending a letter to the President asking him to look at the Bill Emerson Trust as we enter the summer season that so often results in food shortages, not just in Ethiopia but around the world. I again commend Senator KOHL for his commitment to end hunger around the world.

There are good parts to the conference report we are passing today. It provides immediate and necessary help that our soldiers need to do their job. It provides our injured service men and women with care that they desperately need. It provides money for Haiti and Darfur, other African crises. However, frankly, we could have done more. Legislation, though, is never perfect. We simply need to continue to work together to address issues that are not fixed in this legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Mr. President, it is my understanding that under the previous order, I will be recognized for up to 1 hour.

The PRESIDING OFFICER. That is correct, of which 10 minutes will be yielded to the Senator from Washington.

Mr. DURBIN. Mr. President, I yield 10 minutes to the Senator from Washington, Mrs. MURRAY.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise to talk about the supplemental appropriations bill we are considering which funds our military activities in Iraq and Afghanistan. Overall, I support this bill. We do need to get the money out to our troops. But I am here today because I have several concerns about what it leaves out and how it was put together.

I have to say I am particularly troubled that I and other Senators were denied a promised opportunity to debate and vote on some very controversial immigration changes that have been attached to this bill.

First, let me say, I know how important the funding is to our troops overseas. In March, I traveled with the Senator from Illinois and several others on a bipartisan trip to Iraq and met with troops from the State of Washington. To a person, each of them was a dedicated professional who was putting duty above their personal well-being. They need our support, and they deserve every resource our grateful Nation can provide.

As I have said before, I am the daughter of a disabled World War II veteran. I represent hundreds of thousands of Washington State veterans and military families. I support every dollar in this aid bill to help our troops protect themselves and complete successfully the dangerous mission we have assigned them. But I am concerned that when all of these new veterans come home and need medical care, they are going to be pushed into a VA system that does not have medical staff, facilities, or the funding needed to care for them. That is exactly why I was on the Senate floor fighting to include within the supplemental the critical cost of war, and that is taking care of our Nation's veterans.

I am disappointed that Republicans in the Senate have decided that funding for veterans care is not an emergency and not a priority. By denying that there is a crisis at the VA, they are simply ignoring our responsibility to fully provide for the men and women who are risking their lives for our freedom. Our veterans, our military, and our future recruits deserve better. Taking care of our veterans is part of the cost of having a great military. It is a real disservice that we have not taken care of that funding within this bill.

I am here today because I am also very troubled by how far-reaching and unrelated immigration rules got attached to this bill without a vote and without an opportunity to debate. The REAL ID provision has ramifications for privacy, for States rights, and for immigration policy. I am disappointed that it has been rammed through as an attachment to a desperately needed bill that funds our troops. Frankly, a lot of us are kind of scratching our heads about how this REAL ID provision ended up in this conference report. I know I didn't vote for it. I know there wasn't even a discussion of it in conference, but somehow it is included in a must-pass bill.

Mr. President, I served on the conference committee, and I want to share with my colleagues exactly what happened in that conference committee so they will understand why the sudden appearance of the REAL ID provision is so surprising to many of us.

When the conference committee met, the chairman gave assurances to the minority that we would be able to vote on several provisions when the conference met again. But that conference never met again, leaving no opportunity for the minority party to vote, much less to strike these provisions.

I want to share with the Senate the specifics. In our second meeting of the conference committee, Senator DURBIN, who is now on the Senate floor, asked Chairman COCHRAN for his assurance that we would get a chance to vote on these immigration changes, and other open items as well, before the supplemental was sent to the floor.

In fact, I want to read a portion of the transcript of that meeting. This discussion took place on Thursday, April 28.

Senator DURBIN said:

> I would also like to say to my colleagues, if this bill contains—as I believe it does—the REAL ID Act, I would like a vote on that so that we can be on the record on an issue that has never been brought before committee in the Senate.
>
> My question to you is this, Mr. Chairman: There have been times when conference committees of this magnitude have recessed and never been heard from again. The next thing we find is a conference committee report on the floor on a take it or leave it basis.
>
> Can we have your assurance that we will return for votes on amendments such as those we have debated today and those that I have mentioned?

Senator COCHRAN's response to Senator DURBIN:

> Senator, I would be glad to make the assurance that if there is work to be done, if there are open items to be considered, that we can consider those in conference. I am not prepared to make a commitment as to when that will be. I don't want to lead you to believe that I am going to surreptitiously or in secret reach an agreement on the other side without consulting all the conferees on the Senate side.
>
> I think everyone in this conference has a right to participate in this discussion and I wouldn't want to cut off anybody's right to participate.

Mr. President, I have worked closely with Senator COCHRAN for many years, and I do know him to be a man of his word. But to me, what that exchange meant, sitting there in that conference, was that we would have an opportunity to vote on the REAL ID provision, but that never happened. To me, that was wrong.

The REAL ID provision will have dramatic and far-reaching changes and puts an unfunded mandate on many States. Yet it was never brought before a Senate committee, and it was never voted on in the conference.

That is exactly why I did not sign the final conference report, which is very unusual for me. I did not sign it because I believe the process was flawed and we were denied an opportunity to debate and discuss these immigration changes before they were brought to the floor as part of a must-pass bill.

Mr. President, we are all very concerned about security, but this received very little debate. Before Congress mandates these kinds of changes, we should have a more informed debate. In fact, it begs the question, why was this added to a must-pass bill without a debate? Probably because it could not withstand a rigorous and open public debate. We should have that, and I am disappointed that the majority denied us that opportunity.

I also want to note today the irony that the Senate is about to allow a technical fix to immigration-related language that was included in the supplemental, which I agree needs to be fixed; but the Democrats in the conference committee were not provided any opportunity to fix any other immigration provision.

I want to reiterate my frustration with how the REAL ID Act was included and that we were not given the same consideration regarding that language.

Mr. President, the REAL ID provision has some unique impacts for my

home State. This section on immigration is particularly troubling to me because Washington State has proactively enacted several laws to protect the privacy of Washington State residents.

While I understand the needs for increased security, I don't think Washington State laws should be completely overridden by this provision, especially without ever having had the chance for debate and discussion on it.

We know this bill is going to pass. Our troops need the funding it includes. I am already working with communities and officials across Washington State to help find a way to implement these new requirements. I will continue, once this is passed, to push the administration to now provide the funding necessary to make these changes without piling new burdens onto our already cash-strapped State.

Mr. President, it is really unfortunate that at a time when we should be focusing on the needs of our troops and our veterans, the majority party is using the supplemental aid bill as a vehicle to legislate on subjects that have not received the debate and attention they deserve. But at the end of the day, we know we cannot afford to fail in our missions abroad. With hundreds of thousands of troops sacrificing every day in Iraq and Afghanistan, I will support this supplemental bill, and I will continue to work to fight for their care as they return home.

I thank my colleague from Illinois for yielding me time and allowing me to express my frustration on how this part of the bill was put in without anybody able to discuss it in conference committee.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip is recognized.

Mr. DURBIN. Mr. President, I thank the Senator for her statement with which I agree. This is called an emergency supplemental. It is the nature of an emergency supplemental that it funds things that were unanticipated, such as natural disasters and military operations that we didn't anticipate. That is the nature of an emergency supplemental. Yet, when you look at it, at the real nature of this bill, there is no emergency or unexpected element here. This is funding the third year of a war in Iraq.

Did we expect to be gone from Iraq by this time? I don't think anybody suggested that. Yet the administration continues to bring the funding of our troops into the Congress on an emergency basis. Why would they do that? Why would they not put it through the ordinary appropriations process? There are two good reasons. First, it isn't added to the national debt each year. The President can say, when he presents his budget, that we are close to being in balance. In fact, we are not even close. We have the largest deficit in the history of the United States of America under the Bush administration. You have to add this to it. This is a real cost to the American taxpayers, to our Government. But by putting it in separately, it is a little sleight of hand, so that you don't add the $81 billion to the actual cost.

Secondly, if this went through the ordinary appropriations process, there would be hearings and questions would be raised—questions I would like to raise after I visited Iraq with the Senator from Washington. Why, in a third year of the war, are we still trying to find armor plating for humvees and trucks to protect our troops? Why, in the third year of the war, after giving every dollar the administration asked for, don't we have protective body armor for all of our soldiers? Why, in the third year of the war, don't we have the most modern helmets and firearms that our troops need to be safe, to perform their mission and come home?

Hard questions. I might also like to ask a few questions about some of the major contractors who are being paid for this war. Millions, if not billions, of dollars are going to companies on no-bid contracts. You know the names. Halliburton leads the list. I will tell you this. It is considered entirely inappropriate in Congress to raise the question about whether Halliburton has been paid too much or improperly. You just don't ask those questions around here. Those are things which Congress has no business asking about, according to the Republican majority. Those are questions that would be asked if this appropriations bid went through the regular process.

Instead, it comes to us as an emergency. We don't have time to talk about it or to ask any questions. They say: Come on now, the troops are at risk. Let's pass the bill and get it over with.

That is what we face every year. The majority knows that even those of us who voted against the use of force resolution for the invasion of Iraq have said we are going to vote for the money for the troops. If it were my son or daughter, my brother, or someone in my family whose life is at risk in Iraq, whether I agree with the way we went into the war is irrelevant. I am going to give those soldiers, marines, and our other Armed Forces every penny they need to perform their mission and come home safely. We can debate the policy and whether we are going to make the mistake we made in Vietnam, where our policy debate turned into a debate at the expense of our troops. And so the administration and the Republican majority take advantage of it. They pushed this bill through on a take-it-or-leave-it emergency basis, and they say do not ask any hard questions. We do not want to talk about armor for humvees. We do not want to talk about Halliburton. Take it or leave it.

That is sad. Yet in their hurry to bring this bill to the floor, they load it up with things that are not related to the war in Iraq. We heard what the Senator from Washington said. There is a major change in the law in this bill about the issuance of driver's licenses in the United States of America. Why in the world is that in this bill, the emergency bill for the troops? I think she has made it clear.

Let me give a little background. If we were fair, we would not call this the emergency supplemental appropriations for the fiscal year ending September 30; we would call this the Larry Lindsey memorial bill. Why? Because Larry Lindsey happened to be the Budget Director under President Bush who made a big mistake. When we invaded Iraq, Mr. Lindsey predicted the war would cost somewhere between $100 billion and $200 billion. Mr. Lindsey was dismissed from his job as a result of suggesting the war might cost that much money.

And remember Deputy Defense Secretary Paul Wolfowitz? They asked him: How will we pay for the war in Iraq? He assured us in open testimony that Iraqi oil money would pay for the reconstruction, and at one remarkable Senate hearing, Defense Secretary Donald Rumsfeld even predicted Iraqi tourism dollars would help finance the new Iraq.

Fast forward to today. With the Senate's passage this week of this bill, American taxpayers would have committed nearly $300 billion for the wars in Iraq and Afghanistan. We are still waiting for that tourism money, we are still waiting for that Iraqi oil money, and Mr. Lindsey is now in civilian life for suggesting the war might cost a third of what it has actually cost.

That is the reality, and there is no end in sight. We are not going to delay passage of this bill; there is too much at stake. Mr. President, 150,000 American soldiers rely on our prompt action on this bill, and it will pass here today, as it should.

Let me speak about some elements of this bill I think should be part of the record. Democrats are going to support this bill not only because it helps the troops, because it does fund some true emergencies. There is $900 million in emergency relief for the victims of the South Asia tsunami, one of the greatest natural disasters in modern memory, and $400 million for humanitarian assistance in the Darfur region of Sudan. If this genocide in Darfur is not an emergency, what is? Unfortunately, what is missing from Darfur accountability passed by the Senate is seeking justice and security for the victims of this campaign of murder, rape, and destruction.

I am also going to vote for this bill because it does include a provision which I added on the Senate floor reaffirming America's commitment to not engage in torture or other forms of cruel, inhuman, or degrading treatment of prisoners of war or other detainees. I believe reaffirming this longstanding American commitment to this fundamental standard of international law and decency will help restore our credibility and our moral

standing in a world which questions what happened at Abu Ghraib and Guantanamo. As many military experts have told us, it will also reduce the chance that American military personnel, when captured, would be tortured.

The bill contains $5.7 billion to train Iraqi troops. Six or 7 weeks ago when I was in Baghdad, they showed us a handful, a dozen of these troops who were in an exercise. I am not a military expert. I do not know if they were real soldiers. I do not know if they were really trained, but thank goodness there is some effort underway to try to replace American soldiers with Iraqi soldiers.

It also contains crucial requirements that progress and training be monitored and measured, language Senator KENNEDY, Senator LEVIN, Senator BYRD, and I worked hard to preserve. It is not enough for high-ranking administration officials to assure us that 130,000 Iraqi troops have been trained when only a small fraction are actually ready to fight, or when tens of thousands of U.S.-trained Iraqi police officers have gone AWOL. We cannot find them. Knowing how many Iraqi troops are ready to defend the nation will give us a better idea of when we can bring our troops home, and the sooner the better.

I thank the chairman and ranking member for working with us on the troop training and torture amendments, some of the reasons I will vote for this bill.

The final conference report does include other issues that trouble me when it comes to our troops. I have been trying for almost 3 years to make certain that Federal Government employees who are members of the Guard and Reserve and who are activated to serve overseas do not find themselves facing extraordinary financial hardships. In the Pentagon, we go to businesses across America and say: If you want to be a patriotic business, if you want to show your love of America, show your love for the men in the Guard and Reserve, and the women as well, and if they are activated, help their families; cover them with health insurance, if you can; make up the difference in pay, if you can. And many of them have stepped forward and said: We are going to do it. In fact, almost 1,000 different corporations and units of government—State and local—have said we are going to stand behind those Guard and Reserve families. They are making enough of a sacrifice, they are putting their lives on the line, and we will stand behind the families who stay home so that soldier, worried about his life, does not have to worry about the mortgage payment. We even have a Web site sponsored by our Federal Government saluting these great companies for standing behind our Guard and Reserve, as we should.

But let me let you in on a secret. There is one major employer in America that refuses to stand behind the Guard and Reserve. There is one major employer that employs 10 percent of the Guard and Reserve in America, 1 out of 10, that refuses to make up the difference in pay. Who could that employer be? It is the U.S. Government.

The Federal Government refuses to make up the difference in pay for these soldiers and marines in our country. How can we possibly explain that? We are praising companies and other governments that stand behind their people while we fail to do the same.

So on three different occasions, I offered an amendment on the floor, and it was adopted, which said we will stand behind the Guard and Reserve. We will make up the difference in pay, just as other companies do. Take a look at the companies that have done their patriotic duty. They are big names: Sears and Roebuck, out of my State of Illinois, IBM, General Motors, United Parcel Service, Ford, 24 State governments. But not the U.S. Federal Government. And, Mr. President, do you know what the problem is? Every time we pass it on the floor, so many Members race up here to vote for it, saying: Oh, we are all for the men and women in uniform; God bless them; give me a flag to wave; we are all with them. And then as soon as it gets in conference committee, they strip it. Year after year they take out this protection for Federal employees who are literally risking their lives today in the Guard and Reserve.

According to a recent survey made by the Defense Department, 51 percent of the Guard and Reserve members suffer a loss of income during long periods of active duty. Three-quarters of Guard and Reserve members surveyed cited income as one of the major reasons they were leaving the service. We know recruiting is down, retention is under pressure, and yet we refuse to make up the difference in pay for 1 of every 10 Guard and Reserve.

Today, 17,000 Federal employees are activated. To date, 36,000 have been activated and deactivated. So large numbers of men and women are affected by this amendment. And in the darkness of the conference, after the doors are closed, when the press has left, when nobody is watching, they take out this protection for Federal employees.

The lead sponsors of this provision are going to continue the effort with me. Senator BARBARA MIKULSKI of Maryland, and Senator GEORGE ALLEN, a Republican from Virginia, have joined me. Our measure is endorsed by the Reserve Officers Association, the Enlisted Association of the National Guard, and the National Guard Association of the United States.

The Congressional Budget Office and the Budget Committee staff studied our plan. They agree it would not add $1 to the budget because the cost of the affected workers' salaries is already included in the budget.

The last time the conferees met, I asked the chairman, Senator COCHRAN, for his assurance that the Republicans would not do what they have done in the past and kill this amendment without giving us a chance for an up-or-down vote in front of God and the world. I was given that assurance, but sadly it did not happen.

The conference committee recessed and disappeared and, unfortunately, we never had a chance to have an open vote on whether we would stand behind these Guard and Reserve members. That is unfortunate. I had hoped the assurance by the chairman would mean we would get that vote. It did not happen.

It appears the White House overrode anyone's intent to bring this measure up for consideration. Josh Bolton, the Director of the Office of Management and Budget, released a letter saying the White House opposed our reservist pay amendment because it would ''increase costs and have a negative impact on morale and unit cohesion.''

Think about that. The argument is that the soldiers under fire worrying from day to day whether they will be alive would compare pay stubs and have a general conversation about how much money are you getting from your employer, how much are you receiving, as if they would care. Those units go into battle together to protect their lives. I do not think they resented that one soldier in that unit had help because he happened to be an employee of Sears, another soldier because he happened to be an employee of one of the 23 State and local governments. They are not going to hold that against their fellow soldiers. That is going to undermine morale? They have to say: You are lucky; I happen to work for the Federal Government, and I get no help. I come here and risk my life, and this amendment is defeated in the darkness of a conference committee every single year.

That argument is just nonsense.

What message are we sending to conscientious employers? Unfortunately, the wrong message: Do as we say, not as we do. Listen to the Federal Government, listen to the Members of Congress with all their patriotic speeches, and then watch as we deep-six this provision year after year. It is an unfortunate message to some of the best men and women in America who risk their lives for our freedom.

We also wanted to push for more veterans health services. Senator MURRAY of Washington offered a $2 billion amendment, and she said if the war is an emergency, treatment of the veterans of the war should be an emergency. We know that is true. We know these veterans come home with real needs.

I had hearings across my State on posttraumatic stress disorder. I have been around this business for a long time. I have never, ever witnessed what I did then. We had men and women coming in who had served in Iraq and returned, young men and women who risked their lives wearing the uniform of America. They are home now, but

the war is still on their mind. For many of them, it is a destructive memory, things they saw and things they did which they cannot get out of their minds. They come back and finally realize they need a helping hand. They are estranged from their families. Their spouses are saying: That is not the same soldier who I sent over there. What happened to him?

They find themselves despondent, angry, unable to cope with ordinary life, turning on members of their family in anger, and they need help. Sadly, too many of them need help they cannot find at the veterans hospitals. So if we promise these men and women when they serve our country that we will stand behind them, should not the Veterans' Administration, the hospitals and clinics, be ready to stand behind them, when they come home, for their injuries, for this posttraumatic stress disorder? Is it too much to ask that we have family therapists who will work with spouses and children who have seen a different father or a different mother come home? I believe it is only reasonable.

Senator MURRAY led the way. She asked for $2 billion to be put in as an emergency for veterans hospitals and clinics. It was turned down on the Senate floor.

I am glad that the death gratuity is increased. Twelve thousand dollars for your life in service of your country? I am glad we have raised that to $100,000 tax free for spouses and children of those who die in service. It also increases from $250,000 to $400,000 the life insurance benefits that are available. There is one catch. In the Senate, we voted to increase these benefits for the families of all Active-Duty service members, but behind the closed doors of this conference committee which met in private and in secret, the Republicans changed the rules. They decided on their own, without a vote, without a discussion, to restrict the new death benefits and the new life insurance benefits only to families of service members who die in a combat zone. That simple geographical distinction, ''in a combat zone,'' could disqualify about half of all families who have lost a loved one serving on active duty since the start of the war in Afghanistan. These families will not be eligible for the new benefits because the husbands and fathers, wives and mothers died outside of what is technically classified a combat zone. That is arbitrary, that is wrong, it is unfair. Whether a soldier dies in Iraq or training to go to Iraq, his sacrifice is equally great, the loss to his family equally devastating, and our Government owes an equal debt to his wife and children.

We have had testimony from those uniformed officials who appear before the Armed Services Committee and we ask them about this. Admiral John Nathman, Vice Chief of Naval Operations for the Navy, said: ''They can't make that distinction. I don't think we should, either,'' in terms of who is dying in a combat zone and who is not.

General T. Michael Moseley, Air Force Vice Chief, said:

> I believe a death is a death, and I believe this should be treated that way. . . .

Sadly, these people were not listened to and, unfortunately, this bill does not provide the protection which our soldiers truly need and deserve.

Senator DEWINE and I, on a bipartisan basis, are lead sponsors of a bill to change that benefit and to make it fair. I certainly hope we can.

This bill also shortchanges our first front-line troops at home, the first responders. All across America, police, fire departments, and EMT squads are stretched thin. Many lack equipment. Many of them are not getting the HAZMAT and other specialized training they need. This bill does not contain one dollar, not one dime for first responders.

We have so few Border Patrol agents that vigilante groups such as the armed Minutemen have decided to take it upon themselves to patrol the borders of the United States. Yet this bill contains funds to hire only 500 new Border Patrol agents—not enough to do the job. New York City has 40,000 police officers. We have 10,000 border agents to secure the entire U.S.-Canadian and U.S.-Mexican borders, even with the new agents in this bill. The Republicans have argued we can afford to give a $35,000 tax break to a person who is earning over $1 million a year, but we cannot afford to hire 500 Border Patrol agents. Their priorities speak for themselves. Homeland security is not a job for armed volunteers; it is a job for professionals, and it ought to be a priority for this Congress.

Now let me speak for a moment to this REAL ID bill. This is a serious problem. If one is going to use a driver's license to prove their identity, wherever it may be—stopped by a highway patrolman or getting on an airplane—we need to make sure that driver's license is authentic.

We have 50 States with different standards for establishing one's identity. It is a serious problem, serious enough that when the 9/11 Commission report came out and we put together a bipartisan bill to respond to it, we included a provision in that bill that required the Federal Government and State governments to work together to come up with realistic, operable standards to prove identity for those who were applying for driver's licenses. We passed that bill overwhelmingly on a bipartisan basis. I was happy to be one of the cosponsors of that legislation and glad that the President signed it. Then Members of the House said: We do not agree with that cooperative process. We want to establish the standards on our own. We want to write them into law. And they created something called the REAL ID Act.

We did not have public hearings on the REAL ID Act. We did not invite in the Governors. We did not invite the State motor vehicle agencies. We did not have a conversation about an honest and realistic way to approach it. We were given this on a take-it-or-leave-it basis.

The American people deserve to know what they can look forward to under this REAL ID Act, which is part of this emergency supplemental. Some say that it is just simply going to keep illegal immigrants from obtaining driver's licenses. If that were the case, it would be a much different and much smaller bill.

Under this law, to get a driver's license in any State in America, one will need to present several pieces of identification. One has to provide a photo ID document or a non-photo document containing both the individual's full legal name and date of birth; and documentation of the individual's date of birth, Social Security number or the individual's non-eligibility for a Social Security number, and the name and address of the individual's principal residence.

Now there is a catch to this. One has to come into that driver's license station with that proof. What is it going to be? Well, they at least need a birth certificate, that is for sure, or something like it. They are also going to need some proof of their Social Security number. They are also going to need some proof of their residence. Now when they bring those documents in for their driver's license, the State employee whom they face, who is issuing the driver's license, cannot just accept them at face value; they have to take the documents and verify them with the agency that issued them. Until they verify them, a person cannot receive a driver's license.

Imagine if one is a naturalized American citizen who was born in the former Yugoslavia. You present your birth certificate to the clerk at the Department of Motor Vehicles. There are two big problems.

How is that clerk in Springfield, IL, at secretary of state Jesse White's motor vehicle facility, going to verify the authenticity of documents issued by a government that no longer exists? Good question. I do not know the answer.

There is another problem. The REAL ID Act says that the State cannot accept any foreign document other than an official passport. So, even if the clerk could verify the birth certificate, he cannot accept it.

Imagine you are the person behind the counter.

What are you going to do? With whom do you check? Whom do you call? And what do you do about the people standing in line waiting for their turn to put more documents on the desk?

If you think a trip to the Department of Motor Vehicles is a bad experience today, wait until the REAL ID takes effect. This is not necessarily going to make America any safer. It will make States poorer. The estimates are it will cost States about $500 million to $700 million, another unfunded mandate,

and in return for this massive cost and inconvenience we will get, at best, marginal increases in security.

The States have 3 years to put this in place and, incidentally, if we find States that don't have it in place in 3 years, an interesting thing happens. No one's driver's license from a State that hasn't been certified to be in compliance can be used for Federal identification. And if it turns out the State of Illinois, at the end of 3 years, still does not have this together, what is going to happen? It means myself, as a resident from Illinois, presenting a driver's license at the airport, will be turned away. Illinois licenses are not accepted. That is what this bill says—without 1 minute of hearing in the Senate, without 1 minute of debate on the floor of the Senate.

This is an unworkable and unfunded mandate.

In a conference committee, I said to the chairman: I think we need a vote on this. I think members ought to be asked to stand up and explain why they are going to support this without any hearing, without any deliberation. I want to debate it, and I would like to have an official vote so we know where the Members of the Senate and the House stand on this proposal.

I believed that I had an assurance that I would receive it, but I didn't. Ultimately, the committee recessed. No votes were taken. It comes to us now as part of this funding for the troops on a take-it-or-leave-it basis. That is not a good way to legislate.

Let me also say I think this REAL ID is going to create hardships that are totally unnecessary. We can ascertain the identity, and we should, of the people applying for driver's licenses. But the way this was written is sadly not going to achieve that in the most efficient way. The REAL ID Act is another provision on which I wanted a vote, wanted a discussion, and wanted an open debate. Unfortunately, it did not occur.

Many Democrats, despite this provision, will still support this bill because we have said from the start we are going to stand behind our troops. I think the administration, the Republican leadership in Congress, is testing us. How many things can they load into this bill to force us to vote for something we are troubled with, and that is what it is all about. We all know this is not the way to pay for a war and it is not the way for Congress to operate. The late Larry Lindsey—I say ''late'' because he is no longer in public service—was fired for saying the war might cost $200 billion. Now we are up to $300 billion and counting. Sadly, too many of the important decisions on funding this war are still being made by one party behind closed doors.

We will pass this bill, Democrats will support it, but this has to be the end of it. We need to fix this broken process. The American people deserve better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator from Illinois not only for the time but also for his eloquent statement about this legislation, and particularly the REAL ID bill.

The emergency supplemental bill we are considering today provides needed funding for our men and women in uniform who are engaged in combat operations in Afghanistan and in Iraq, as well as emergency assistance to the victims of the tsunami. This aid and assistance cannot wait because it is a demonstration of our Nation's good will towards those who have been devastated by natural disaster, and also our commitment to our soldiers in combat. These noble goals are unfortunately tainted, however, by the decision of the Republican leadership to include a controversial piece of legislation known as the REAL ID Act.

Senator DURBIN has gone into great detail to show how unwieldy it is and perhaps how unnecessary it is. There are other ways to more effectively and efficiently verify the identity of individuals.

Also, this kind of back-door legislating is symptomatic of the majority's near total disregard for the precedents and procedures of the Senate that have served our Nation so well and for so long. I hope the American people realize this maneuver is yet another example of the majority's desire to pass the most controversial legislation by sliding it into a bill which cannot be amended and is subject only to an up-or-down vote.

With no Senate debate, and very little review, the REAL ID Act makes significant and harmful changes to our Nation's immigration system, as well as our system of licensure of automobiles and drivers throughout the United States.

Like many, I believe immigration is an issue we cannot and should not ignore. However, the REAL ID Act is not the comprehensive immigration reform that we have gone far too long without. Instead, it vastly alters our Nation's established asylum procedures, placing the burden of proof on the applicants by requiring them to document their torture or persecution. Potential asylum seekers are already thoroughly investigated, and those suspected of engaging in terrorist activities are already prohibited from being granted asylum under our current system. Yet the REAL ID Act will make it increasingly difficult for those escaping political persecution and torture to seek refuge.

In addition, the REAL ID Act would suspend habeas corpus review of orders of removal for aliens in the United States. Essentially, this change eliminates the right of aliens facing deportation to ask the court to review their deportation, a right which the Supreme Court has already upheld. This provision will deny innocently detained aliens the opportunity to plead their case before a judge. This goes against the core principle upon which our Nation was founded.

It is unfortunate these unsound provisions will be enacted as part of this bill. It is my hope that in the very near future we will be able to have a national discussion on immigration in a comprehensive, thoughtful, and deliberate way that will provide real solutions to real problems. It is not possible to solve our immigration problems by simply removing those who seek legitimate help from our Nation, or by raising the bar for those who are immigrating here legally. As a nation of immigrants and a global leader on human rights, the inclusion of the REAL ID Act in this bill and in this manner is unacceptable, and I will work with like-minded colleagues to reverse this law.

I yield the remainder of my time to the Senator from Illinois.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum and ask unanimous consent the time under the quorum be charged equally to both sides.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. 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.

The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I rise today to speak about the fiscal year 2005 emergency supplemental appropriations bill. Every day in Iraq and Afghanistan, the men and women of the U.S. Armed Forces risk their lives to defend ours. They are completing a mission they did not ask for and, in Iraq, a mission that is longer and more dangerous than they were ever told. Yet amid roadside explosions, insurgent attacks, and the loss of some of their closest friends, they wake up each day and do their jobs. They wake up each day and do whatever it takes to leave a democratic Iraq for a free Iraqi people.

This bill is a way for us to support these efforts. With its passage, I sincerely hope our troops will receive all the support and all the equipment they need to do their job. With its passage, I hope we do not hear any more stories about troops driving convoys with unarmored humvees, or about troops going into battle with armor their parents had to send them from home for their birthday. And I sincerely hope this money will be used to train more Iraqis to secure their own country so we can bring home our young people safe and secure.

I particularly thank the chairman and ranking member of the Appropriations Committee for working with me on several other emergency spending needs.

I say to Senator COCHRAN, I appreciate that this bill provides $25 million for the prevention of the avian flu. As

some of you may have read, the number of cases in Southeast Asia is increasing, and there is serious concern that this virus could mutate and jump from continent to continent, potentially causing a pandemic that could kill millions of people. We have to work proactively to prevent such a pandemic, and I appreciate the support from the committee chairman as well as the administration on this issue.

Also included in the bill is an amendment I sponsored with my friend from South Carolina, Senator GRAHAM. This amendment will ensure that our injured service members who remain under medical care but are no longer hospitalized will not have to pay for their meals while receiving therapy. I thank the graciousness of Senator COCHRAN for adopting that amendment on the floor without debate.

I also joined with Senator DURBIN to address the security needs of our judiciary. As some of my colleagues know, a Federal judge in Illinois recently suffered a tragic loss, the murder of her mother and her husband. This bill provides necessary funding for the U.S. Marshal Service to step up its security for our Federal judges.

I commend all those who have been involved, including the chairman, for crafting a number of important measures in this bill. I wish that I could, without any further statement, simply say how proud I am of our troops and move on with the supplemental. Unfortunately, this bill also includes some immigration provisions, known as REAL ID, that cause me enormous concern. Although I will certainly vote for the conference report because of the good measures I have already discussed, it is important to state for the record my serious reservations about REAL ID.

Despite the fact that almost all of these immigration provisions are controversial, the Senate did not conduct a full hearing or debate on any one of them. While they may do very little to increase homeland security, they come at a heavy price for struggling State budgets and our values as a compassionate country. The driver's license provisions in REAL ID, for example, will cost an estimated $100 million over 5 years. States will have to bear the majority of these costs. At a time when budgets are tight, I don't think we should be outsourcing our homeland security to States that can't afford it.

The cost to our Nation's legacy as a refuge for asylum seekers is also heavy. Conferees were able to improve some aspects of REAL ID, including increasing the limit on the number of foreigners who can apply for asylum in the United States, but other provisions intended to eliminate fraudulent asylum applications may end up denying asylum to people who deserve to receive it.

These are costs that call for greater examination. As a sovereign country, we have the right to control and identify those who enter and exit. I have worked with my colleagues to support hundreds of millions of dollars for more Border Patrol agents to help exercise that right. But controlling immigration is a Federal responsibility—it always has been—and it should not come at the expense of State budgets or basic civil liberties. We should have more time to examine and debate the REAL ID provisions as part of comprehensive immigration reform.

These provisions, currently in the bill, are opposed by religious organizations, civil liberties groups, civil rights organizations, church groups, and hundreds of other groups. The legitimate concerns of these groups have not been properly aired in the Senate. I am aware of the fact that the REAL ID Act, despite what I say, despite my reservations, will become law. It will become law not because it is the right thing to do but because the House majority has abused its privilege to attach this unexamined bill to must-pass legislation. This is highly inappropriate, and I hope that all of the Senate will agree to highlight and correct the deficiencies of these immigration provisions in the year to come.

I yield the floor.

Ms. MIKULSKI. Mr. President, I support our troops and their families. I am behind them 100 percent. They deserve our gratitude, not just with words, but with deeds. This emergency supplemental appropriations bill helps us do just that.

The House and Senate have worked hard to respond to the President's request for additional funding to support our operations in Iraq and Afghanistan. We have provided more than $75 million in defense-related spending, including vital support to our soldiers and their families. We have also provided more than $6 billion in assistance to our friends and allies, including $681 million to aid in the recovery from last year's terrible tsunami in Indonesia.

We have provided a total of $17.4 billion to speed up the Army's purchase of trucks, additional up-armored humvees, and upgrades to Abrams tanks. There is also $1 billion for additional purchases of Army and Marine Corps trucks, tactical vehicles like humvees, night vision and other important protective equipment to keep our soldiers as safe as possible on the battlefield. We have also preserved support for the C130J aircraft, so vital to transporting troops and materiel around the world.

U.S. troops will stay in Iraq and Afghanistan long enough to ensure that those nations can defend themselves against chaos and terrorism. It is important that we provide training and equipment to prepare Iraqi and Afghan security forces to take over when American troops come home.

To do this, we have provided $7.0 billion to train security forces in Afghanistan and Iraq. There is also $1.78 billion for Afghan reconstruction and counternarcotics efforts. In addition to providing $7.7 million to support U.S. diplomatic and reconstruction efforts in Iraq, we have provided $20 million in assistance to Iraqi families who have been affected by coalition operations in Iraq.

We must do everything we can to care for soldiers when they are injured. I am very proud that we have provided an additional $211 million for the Defense Health program.

This funding also includes assistance to provide meal and telephone services for soldiers recuperating from injuries suffered in Iraq or Afghanistan. It also provides assistance for family members to travel to be with an injured service member recovering from combat injuries. To help soldiers with the enormous medical costs that can be associated with combat injuries, we have also made it possible for service members to get traumatic-injury protection as part of their military insurance package. This insurance rider can be worth as much as $100,000 to service members enrolled in the Servicemembers Group Life Insurance, SGLI, program. We have also made it available retroactively, to help out those soldiers and families already dealing with combat and combat-related injuries.

Mr. President, more than 1,700 service men and women have made the ultimate sacrifice in Iraq and Afghanistan. Part of the debt of gratitude we owe the families they leave behind is to ensure that they do not have to face a financial crisis while they are dealing with the loss of a loved one.

I am very proud that we have been able to help alleviate their burden, by increasing from $12,000 to $100,000 the fallen heroes compensation for family members of troops who make the ultimate sacrifice for our country. This benefit is applied retroactively, to include all service members who have died since the global war on terror began in October 2001. In addition, the family of a service member who has died will be allowed to remain in military housing for a year, rather than the six months currently allowed. We have also increased the life insurance benefit provided under the SGLI, from $250,000 to $400,000. This increase will also be applied retroactively to 2001.

I am disappointed that the conferees did not accept the advice of the Senate—and of the Chairman of the Joint Chiefs of Staff GEN Richard Myers—and provide the fallen heroes compensation to families of all service members who die on active duty.

Instead, Congress has expanded all aspects of the current coverage to include those who die in designated combat zones and in combat-related activities, such as training. This is a good start, but I agree with General Myers that every family who loses a loved one on active duty deserves the gratitude of this nation and should benefit from the fallen heroes fund.

We also need to make sure that families receive the full amount of this compensation. Working closely with Senator GRASSLEY, I have taken steps

to ensure that the full benefit will be tax free. Senator GRASSLEY has assured me that this important correction will be added to the next tax bill considered in the Senate.

We know that nearly 40 percent of the soldiers deployed today in Iraq and Afghanistan are citizen soldiers who come from the National Guard and Reserves. More than half of these will suffer a loss of income when they are mobilized, because their military pay is less than the pay from their civilian job. Many patriotic employers and state governments eliminate this pay gap by continuing to pay them the difference between their civilian and military pay.

I am very disappointed that this conference report does not include the Reservist Pay Security Act, which would ensure that the U.S. government also makes up for this pay gap for Federal employees who are activated in the Guard and Reserves. This legislation has passed the Senate three times, and three times it has been stripped out of the conference report. I will continue to work with my colleagues in the House and Senate to build support for this important provision to help our National Guard and Reserves.

Mr. President, Americans joined the world in mourning the loss of more than 150,000 victims of the Indian Ocean Tsunami last Christmas. Together, we prayed for the 7 million displaced survivors that God may give them the strength to persevere and overcome this, the largest natural disaster of our time.

But expressions of sympathy are not enough. As I said at the time of this terrible disaster, the United States must set the example and lead the world in the humanitarian effort of recovery and rebuilding. Congress has provided $656 million for the tsunami recovery and reconstruction fund to support on-going and long-term relief efforts, including programs aimed specifically at women and children in the affected areas. We have also provided $25 million for U.S. tsunami warning programs to help prevent future human disasters on the scale we have seen in Asia.

The people of Darfur continue to suffer the terrible effects of war in the Sudan. Congress has provided $248 million for humanitarian assistance to Darfur and $37 million for Sudan peace implementation assistance. We have also included $50 million to be made available to the African Union, for peacekeeping efforts in Darfur. Also, part of the $90 million provided for food aid and famine relief can be used to help improve conditions in Darfur.

Because it is just as important to support our communities at home as it is to support our troops in the field, I will continue to fight for responsible military budgets. For that reason, I joined the Senate's efforts to insist that the President fund our operations in Iraq and Afghanistan through the regular budget and appropriations process. After three years in Afghanistan and two years in Iraq, we should not be funding these operations as if they were surprise emergencies.

Unfortunately, because much of the funding included in this conference report has been designated as an ''emergency,'' it will not count against our budget limits and instead just gets added to our ever-growing national debt.

This emergency supplemental is a Federal investment in supporting our troops and their families.

We support out troops by getting them the best equipment and the best protection we can provide. We support them by getting them the best health care available when they are injured in service to our Nation. And we support them by ensuring that their families do not face a financial crisis at the moment when they are grieving the loss of a soldier who has sacrificed everything for our country.

I am proud to vote yes for our troops and their families. I am also proud to vote yes because this bill contains important provisions to help small and seasonal businesses in the United States.

The emergency supplemental contains language that provides real relief to small businesses that need temporary seasonal workers by the summer. This emergency supplemental contains the language I offered on the floor of the Senate to temporarily solve the H2B visa shortage. It passed this body by a overwhelming bipartisan vote of 96–4 and was adopted by both House and Senate conferees to be part of the final bill.

I know that my colleagues on both sides of the aisle supported this amendment because it is a limited fix to the H2B worker shortage that many coastal states and resort states are facing. This solution is desperately and immediately needed by small and seasonal businesses throughout the country.

My amendment helps us keep American jobs, keep American companies open, and yet retain control of our borders

I am very proud that we were able to work together, House and Senate, Democrats and Republicans, to pass this measure. This bill was a simply fix, it was temporary and it does not get in the way of comprehensive reform

The amendment and the Save our Small and Seasonal Businesses Act on which it is modeled will help small business by doing three things:

No. 1, temporarily exempting good actor workers from the H2B cap, so employers apply for and name employees who have already been in U.S.;

No. 2, protecting against fraud in the H2B program; and

No. 3, providing a fair and balanced allocation system for H2B visas.

This amendment first and foremost protects American jobs.

It provides a short-term fix to the H2B visa cap which will only be in place through fiscal year 2006. It has four simple provisions:

One, it exempts returning seasonal workers from the cap for this year and next. That means that people who have worked here before and who have gone back home are the only ones who would be eligible. The exemption works this way—an employer requests a visa and lists the name of the returning worker on his petition. The employer must provide supporting documentation to the Department of Homeland Security or the State Department that the worker is a returning worker who has come to the United States in one of the 3 prior years under the H2B program.

This exemption does not exempt any new workers because employers must show that the worker was in the US previously in order for that worker to be exempt from the cap. Employers can petition for exempted workers at any time during the fiscal year—regardless of whether the cap on H–2B visas has been met or not. The legislation explicitly states that exempted workers are outside the cap.

The employer does not automatically get the exempted worker, they still must go through the whole DOL and DHS process before they can get exempted workers. That means that employers still must prove to the Department of Labor that they cannot find American workers to fill these jobs. Only then will DOL give them the ability to continue the application process and get the workers who they need through DHS and State. Employers will go through the whole process for new or returning workers. Returning workers will be exempt from but new workers will be subject to the cap.

This provision is both forward looking and retroactive back to the beginning of the fiscal year, or October 2004. That means that DHS will have to determine how many returning workers were admitted prior to the passage of this Act and open up those spaces to new workers. That makes it fair so that summer employers have the same bite at the apple that winter employers had. DHS estimates that between 30,000 and 35,000 workers are returning workers and they will be able to use the information they have in their databases and in coordination with the Department of State to ensure that spots that were counted in the cap and used by exempted workers will now be opened up for new workers to use so that summer employers can get their fair share.

This fix also has strong antifraud provisions to make sure that everyone is playing by the rules and that no one is misusing the program. And it gives DHS added teeth to prevent fraud and enforce our Nation's immigration laws. A $150 antifraud fee ensures that Government agencies processing the H–2B visas will get added resources to detect and prevent fraud. This money is added to an antifruad fund to give the Department of Homeland Security, the Department of State and the Department of Labor some added resources to train workers so that they can identify fraud in the program.

We also add strong new sanctions to the law. These sanctions are permanent and further strengthen DHS's enforcement power by allowing sanctions against those who have a significant misrepresentation of facts on a petition. We increase fines and allow DHS to bar violating employers from the H–2B program for up to 5 years. This section also sends a strong message to employers—don't play games with U.S. jobs. Our bill reserves the highest penalties for employer actions which harm U.S. workers.

We also make the system better by creating a fair allocation of visas. Under current law summer employers lose out because winter employers get all the visas. So our bill does two things: First, as I said above, we exempt returning workers from the cap, so returning workers don't count for the cap. But we also divide the cap between summer and winter. What that means is that of the 66,000 visas and we make 33,000 available from October thru March and 33,000 available from April thru September. Winter employers get half and summer employers get half. And we make this change permanent to make sure that even if comprehensive reform cannot be reached by 2006, then at least summer and winter employers are competing for the limited number of visas on a level playing field.

Finally, we give the Department of Homeland Security the ability to implement this law now, without having to issue regulations. That means that employers get real relief now. DHS has a limited exemption from the Administrative Procedure Act to implement the exemption section, the antifraud fees and also the allocation of visas section. These exemptions are to prevent any barriers or delay to the immediate implementation of those provisions.

So that is what this strong bipartisan legislation is all about. This is the language that 94 Senators in this body supported and that the House adopted into the emergency supplemental conference report.

Now we want to make sure that DHS can start its implementation immediately so I want to make sure that they are very clear about what the congressional intent of this legislation is:

Section 402 is intended to increase the number of H–2B admissions available for fiscal years 2005 and 2006. This legislation was drafted with the understanding that the preexisting USCIS method of implementing the H–2B limitation is based upon accepting for filing the number of petitions (only some of which name the specific workers) that is projected to result in the authorized number of admissions, with allowance made for an expected number of petitions that will be denied or revoked and of workers with approved petitions who will not apply for or qualify for visas or admission, based upon State Department information.

Consistent with this general methodology, and with the fact that USCIS has already received sufficient petitions for fiscal year 2005 to fill the cap and has not required any information to be provided as to whether the petitions were filed for ''returning workers'', it is intended that USCIS to make its best estimate as to the number of previously filed petitions that likely were for returning workers, based on State Department information, and accordingly to free up numbers for fiscal year 2005 to be available to otherwise qualified H–2B aliens, whether or not they are ''returning workers.''

In addition, H–2B workers will be available to petitioners identifying and certifying specific aliens to be returning workers. For fiscal year 2006, the number of new H–2B admissions available will be 66,000, plus any aliens for whom the certification and confirmation requirements of section 214(g)(9)(A), (B), and (C) of the Immigration and Nationality Act, as amended by this section, are met.

Specifically, Section 405 provides that the 66,000 limitation on H–2B admissions for fiscal year 2006 and thereafter will be administered as two half-year limitations of 33,000 each applicable to aliens subject to the overall 66,000 limitation, i.e, not including ''returning workers.'' It is the intention of the supporters of the amendment that this provision be administered so as to give employers seeking workers for the second half of the year an opportunity to obtain them at least equivalent to that available to first semester employers.

Finally, section 407, is intended to allow this law to be implemented expeditiously. The intent was to make sure that the provisions of the Administrative Procedure Act, the Paperwork Reduction Act, and other laws relating to regulatory processes and forms—especially, but not limited to, any requirement to promulgate new rules—to the extent any such provisions might apply, should not pose a barrier in any way to the expeditious implementation of the provisions of this Act intended to give urgent and necessary relief to summer and seasonal employers and to apply the new fee provision in section 403. We therefore, provide the authority to the relevant departments to waive any such requirement that may otherwise delay such implementation.

It is a quick and simple legislative remedy with strong bi-partisan support. It fixes the problem now and takes small steps to prevent this drastic shortage in the future. It is immediate and achievable because DHS will start implementation once it is signed by the President. And more importantly, it does not exacerbate our immigration problems.

Mr. President, it is important that we continue to support the brave men and women who put their lives on the line both at home and abroad. But today, as I support funding for our troops I also stand opposed to the part of the emergency supplemental known as REAL ID.

This controversial and overly-broad provision has no place in an emergency spending bill. The changes to our immigration laws and the policies on asylum proposed by this legislation are major modifications that are contentious on both sides of the aisle. As it is written, this bill undermines both due process and the principles of fundamental fairness on which our immigration laws are based.

This legislation, plain and simple, is a drastic and unknown change. It is the type of change that both the House and the Senate should have deliberated on and given in-depth consideration to. The Senate has not had the opportunity to do that.

Just look at what this legislation does:

First, it increases the burdens on those seeking asylum in the United States and limits judicial review of some decisions. These are people who are often persecuted in their own countries and cannot produce the level of documentation or corroboration of their abuse that this bill requires.

Next, it permits the Department of Homeland Security to waive ''all legal requirements'' that interfere with the construction of roads or barriers along our borders. That means that the Secretary of Homeland Security can waive any State or Federal environmental, health and safety, civil rights, labor, or criminal law. And there is very limited ability of anyone to challenge these decisions. That means the Secretary has a tremendous amount of discretion to override existing laws and step all over State's rights.

It also limits judicial review of removal cases and discretionary decisions of agencies—that means an agency, not a judge, will have the final say.

And most notably, it creates national standards for identification cards that States must enforce. That means that States now must not only verify the many forms of identification that are required, but they are also responsible for keeping track of a drivers license holder's immigration status. That creates a huge increase in expenses for States and it also means that State officials, who have no background in immigration law, will be forced to enforce these complicated provisions. That's an unfunded mandate on States that are already in fiscal crisis.

Plain and simple REAL ID drastically changes immigration laws, limits access to the courts and due process, and places significant new costs and duties on local and State governments. The Senate should have had the ability to review, debate, and amend this provision before it became a permanent part of our Federal immigration law.

Now, I am the first to agree that we need strong and comprehensive immigration reform. We need to look at all the problems with protecting our borders and ensuring our safety. We need to make sure that the programs that work are updated and continued. We

need to make sure that the programs that don't work are fixed so that we do not have porous borders. But we need to use regular order to do so.

The Senate must have the opportunity to consider comprehensive reform, not focus on piecemeal measures. And President Bush should lead the way in working with Congress and our allies for solutions that protect our borders. And for solutions that allow our rich history and tradition of immigration to continue. But these supposed solutions cannot come at the expense of our constitutional framework.

REAL ID is an unfunded mandate that is punitive. We do not know if any of the provisions will actually make us safer—we just know that they override States rights and undermine civil rights and civil liberties. I believe that it is our duty, as Members of the Senate, to balance national security interests with due process and constitutional rights, yet because we have not had hearings or been able to evaluate this change to our immigration law we do not know the extent of its impact.

REAL ID proposes several different and significant changes to our immigration laws, I believe that it is important for the Senate Judiciary Committee to have an opportunity to hold hearings and consider comprehensive legislation that looks at all areas of the law. Then the whole Senate should have the ability to fully debate the issue on the Senate floor.

I am disappointed that this controversial measure was added to this must pass legislation. We should be passing an emergency supplemental bill without the harmful REAL ID provision. And then we should turn our attention to real reform and the Senate should proceed to a thoughtful and comprehensive debate on immigration reform that protects our borders and our constitutional mandate.

Mr. BURNS. Mr. President, the attacks of September 11, 2001 reminded us all that national security is of the utmost importance. Since then, we have worked to ensure the safety of this country. Still, there are gaps in our immigration and identification systems that need attention. Those with ties to terrorist organizations should not be given asylum or permission to live in this country where they can do harm. Barriers on our borders should be enhanced to adequately protect our national security. Driver's licenses and personal ID cards should be secure, and should not be given to terrorists or those who are in this country illegally.

There are provisions to address each of these concerns in the REAL ID Act of 2005, which has been attached to the Emergency Supplemental Appropriations Act. I have expressed my reservations about possible unforeseen costs to my State of Montana that these provisions could impose, particularly the costs of changing the system of issuing driver's licenses. Ultimately, however, I firmly believe that the fundamental aspects of this bill will make Montana, a border State where homeland security is of paramount concern, and our country safer and more secure in this era where illegal immigration is out of control and the security of our identification systems continues to be lacking. I am confident that any remaining funding issues can be worked out later in the implementation process. Our job now is to move forward, and make sure that these provisions are put into place with the best interest of this country in mind.

As I have said before, my State of Montana has one of the largest international borders. A lot of attention has been placed on border security lately, particularly on the northern border. I think we can all agree that the northern border has been historically understaffed and lacks the necessary infrastructure to adequately screen individuals seeking entry into the United States who wish to do us harm. I have always supported increasing the number of border patrol agents along Montana's northern border. It does not make sense for the Department of Homeland Security to heavily staff the southern borders while leaving large gaps wide open on the northern border. The end result is that those wanting to enter the United States illegally may focus on the less secured border regions of the north so that they may cross over undetected. Unfortunately, the grave threat of this happening along Montana's vast border remains a reality.

In view of this, during debate on the Emergency Supplemental Appropriations Act, I was a cosponsor of the Ensign amendment which was adopted that would increase the number of Border Patrol agents and provide funding for Border Patrol facilities. I am happy to report that the conferees reached a compromise that would provide $635 million for increased border security and enforcement; this includes $176 million to hire, train, equip, and support 500 Border Patrol agents and relieve current facility overcrowding. The supplemental also includes almost half a billion dollars for Immigration and Customs enforcement; $97.5 million of this would be used to hire and train additional criminal investigators and immigration enforcement agents.

I will always vote to protect our homeland and the safety of our citizens, and I encourage my colleagues to do the same as the Senate considers the supplemental for final passage.

Mr. KERRY. Mr. President, the Emergency Supplemental Appropriations bill for fiscal year 2005 is a vital piece of legislation. It provides $75.9 billion for the Department of Defense, nearly $4 billion for the Department of State, and billions more for military construction and other national priorities. It will come as no surprise to anyone that Congress will pass this bill with an overwhelming majority. Instead, we should be asking what took so long.

The administration continues to play games with the funding of the war on terror and the war in Iraq. These aren't inside-the-beltway issues. Every day the administration resists bringing forward an accurate and reasonable accounting of our future needs in Iraq, it complicates the way the Department of Defense conducts business.

In recent weeks, the Pentagon has been forced to shuffle $1.1 billion to cover Army shortfalls while the Department of Defense waits for the President to sign the supplemental into law. That $1.1 billion came out of Navy, Air Force, Marine Corps and Army National Guard personnel accounts. That is a dangerous way to conduct business.

As we pass this legislation, I urge the President to heed the advice of so many Senators who believe that he must better reflect the costs of war in his regular defense budgets and simply be straight with the American people about the ongoing costs of operations in Iraq and elsewhere. Our troops shouldn't have to wait for the gear and equipment they need to do their jobs well, to win the peace in Iraq, to bring the terrorists to justice in Afghanistan and around the world, and to come home.

This bill takes some important steps toward the Military Family Bill of Rights which we have talked about for many months. It increases to $400,000 the life insurance coverage available to service members, and raises the death gratuity to $100,000 for those who die in combat and in combat-related incidents, including training. It also extends to 1 year the length of time widows and children of military personnel may remain in military housing. Together, these provisions are important affirmations of the Congress' support for the men and women of the American military and their families. I thank the House-Senate conferees for including those provisions.

I regret that the House-Senate Conferees struck a provision that the Senate added to pay an equal death gratuity to the survivors of all service members killed while on active duty, regardless of the circumstances. This policy was supported by 75 Senators in a floor vote. It was supported by the House in its version of the legislation. And it is supported by the uniformed leadership of the military. It is clear that the civilian leadership at the Pentagon, led by Secretary Rumsfeld, opposed it. While they have succeeded in striking the provision from this supplemental legislation, I will continue to work with my colleagues, many of whom have worked on this issue for some time, for its enactment.

While I support this bill overall, I have serious concerns about the attachment of the REAL ID Act to the conference report. This legislation creates new hurdles for legitimate asylum seekers, allows the government to waive environmental laws to build physical barriers on the border, and forces an unfunded mandate on the States. This legislation did not have so

much as a hearing in the U.S. Senate. Such legislation should be considered in committee and before the full Senate, rather than being attached to an emergency spending bill. It is my hope that the Senate will work to amend the most damaging provisions of the REAL ID Act as soon as possible.

I am pleased that the conference report includes the ''Save our Small and Seasonal Businesses Act'' which makes changes to the H–2B visa program. This provision will provide great relief to many small businesses in Massachusetts that count on foreign workers to keep their seasonal businesses open.

Mr. President, I would also like to thank the conferees for addressing potentially damaging anti-small business language in this bill which would have allowed small business subcontracts at the Department of Energy to be counted as prime contracts and capped all small business contracting goals at 23 percent. Section 6023 had strong bipartisan opposition from members of the Small Business Committees and from other members concerned about protecting small business federal contracting. The compromise language included in Section 6022 of the final version of this bill lays out a process for the Small Business Administration and the Department of Energy to expand small business contracting.

The compromise requires the Small Business Administration and the Department of Energy to develop a Memorandum of Understanding, MOU, on a methodology for measuring the achievement of awarding prime contracts and subcontracts to small businesses. It is my understanding that MOU will in no way count the subcontracts awarded by DOE's management and operations contractors towards DOE's prime contracting goal. Section 6022 also requires DOE and SBA to conduct a joint study of changes at DOE that would encourage greater opportunities for small business contracting, and it includes temporary relief for local small firms that are facing undue burdens as a result of contracts being broken out from large, bundled management and operations contracts.

Mr. President, the Department of Energy has the worst small business utilization record of all Federal agencies. This compromise is an opportunity to address the growing challenges facing small firms as a result of contract bundling, the need for greater diligence by the administration in its effort to meet the 23 percent government-wide minimum goal for small business contracting, and the need for greater management and oversight by the Department of Energy of the contracting dollars being awarded by the Agency. I hope the administration will use this opportunity to improve small business contracting at the DOE and will draw on the conclusions of the ongoing studies being released by the GAO to address the current shortfalls in small business prime contracting and subcontracting oversight. As the ranking member of the Committee on Small Business and Entrepreneurship, I am committed to working with the other committees of jurisdiction, including the Energy Committee, to ensure that DOE and SBA do not undermine the intent of Section 6022 by using this compromise language to prevent small businesses from receiving their fair share of DOE prime contracts.

Mr. BINGAMAN. I rise today in support of H.R. 1268, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief.

First, while this bill addresses many areas of concern, it is primarily focused on providing the American military sufficient funds for its mission to aid Afghanistan in creating a strong and stable nation and to ensure the security necessary to rebuild Iraq.

Provisions in the bills to support American soldiers and their families, such as increasing the death benefit gratuity for soldiers killed this year to $100,000 and providing all members of the armed forces with free meals and phone service, are the right thing to do. We will no longer force men and women who volunteered to serve in one of the most dangerous environments to recuperate without the support of loved ones while charging them for their meals. Other important provisions, such as providing more money to combat the effectiveness of improvised explosive devices, or lED's, and providing $150 million for the purchase of up-armored humvees, will serve to protect Americans already operating in combat zones. The biggest danger to Americans in uniform remains the IED; by using funds to both prevent the IED from exploding and then ensuring that those that do go off near a humvee are defended against, I can safely say that we are working toward the ultimate goal of mitigating the largest source of American casualties.

I was also happy to see that the bill also requires reports on the status of training for both the Afghan and Iraqi security forces, so that the American public is not given arbitrary numbers of successfully trained soldiers and policemen without an understanding of their capabilities. Just as importantly, the bill states that the President should submit an appropriate budget amendment for FY 2006 by September 1, 2005.

There are also some very important, non-military, provisions in this legislation, nearly all of which I co-sponsored when it came to the floor. All will contribute significantly to the establishment of increased stability in regions throughout the world. For example, the United States has done far too little to stop the genocide and atrocities that continue to occur in Darfur, Sudan. This legislation specifically dedicates $50 million to support efforts by the African Union to bring a halt to the violence and another $90 million in humanitarian assistance for refugees in the region. The United States has hardly anything at all to create a stable and viable government in Haiti, this in spite of the fact that the country is only miles from our shore. This legislation provides $20 million to assist in efforts at institution-building, law enforcement, and democracy promotion.

Significantly, this legislation is the only vehicle available for disaster assistance to the countries affected by the tsunami in the Indian Ocean. I need not remind anyone that this was likely the most catastrophic natural event in recent history, with nearly 200,000 people in eight countries dying in just a few hours. Over 100,000 are still missing. Thousands had their homes, family, and livelihoods swept away. The cost in dollars is easily in the hundreds of billions.

It is imperative that the United States step up to the plate and assist in repair and reconstruction. We have pledged almost a billion dollars to this effort, and this legislation provides an initial $656 million to help people get back on their feet. A substantial portion of the funding is directed toward repairing replacing essential services—roads and highways, telecommunications and energy infrastructure, and water and food distribution systems, and so on. But portions of the funding are dedicated to other critical issues that will allow these countries to get back to baseline—programs designed to assist women with new economic opportunities now that they have lost the provider in their families, programs designed to assist individuals with mental or physical disabilities as a result of the tsunami, programs designed to protect orphaned children from violence and exploitation and reunify them with extended or immediate families, programs to provide loans, business advice and training in job skills so new sources of income and new businesses are developed; and programs to stop the spread of disease, including avian flu.

This bill provides funding for many important causes which I fully support. But let me take a few moments to discuss a few provisions about which I have significant concerns.

First, the conference committee removed a provision that I had included in the Senate version of the bill that would have helped Federal courts cover costs associated with the substantial increase in immigration related cases filed as a result of recent border enforcement efforts. I strongly support efforts to enhance our border security—indeed, I cosponsored an amendment to this bill that was offered by Senator ROBERT BYRD that provided funding to hire an additional 500 border patrol agents and have consistently voted to allocate additional resources to secure our Nation's border. However, we must also consider the impact that these enforcement measures are having on our Nation's courts, especially in districts along the border region. Since 1995, immigration cases in the 5 southwestern border districts—the District

of Arizona, District of New Mexico, Southern District of California, and Southern and Western Districts of Texas—have grown approximately 828 percent. In 2003, overall immigration filings in U.S. District Courts jumped 22 percent, and in 2004 they jumped 11 percent. Of these cases, 69 percent came from these 5 districts.

We can't just fund the enforcement side without considering what will happen to these individuals once they are detained. This approach not only places a tremendous burden on our courts, but it also threatens our national security by limiting the ability of the courts and probation services to provide adequate case oversight.

Second, the REAL ID Act, which was attached to the bill by the House of Representatives, was included in the final version of the bill. Although the conference committee made several minor modifications to lessen the impact of these provisions, I remain strongly opposed to this section of the bill. The REAL ID Act never received a hearing in the Senate and Republicans on the conference committee refused to consult with their Democrat counterparts on this language. The bill make it more difficult for legitimate asylum applicants to obtain a safe haven in the United States and authorizes the Secretary of Homeland Security to waive all legal requirements which could impede the construction of a fence along the border with Mexico. It also repeals provisions of the recently-passed Intelligence Reform and Terrorism Prevention Act of 2004, which implemented the recommendations of the 9/11 Commission. Specifically, the intelligence reform bill charged the Department of Transportation, in consultation with the States, with promulgating ''minimum standards'' for State driver's licenses in order to prevent fraud or abuse. Without enhancing our national security, the REAL ID Act repeals this section and replaces it with a system that will be extremely difficult and costly for States to implement. I know that these provisions will have a significant impact on my home State of New Mexico, and it is my hope that Congress will be able to revisit this legislation in the near future.

Thus, while there are some aspects of this supplemental request that remain troubling to me and many of my Senate colleagues, I know that by supporting this bill we are working to create a more peaceful and stable world community and meet more of the needs of our brave soldiers serving in Iraq and Afghanistan.

Mr. DODD. Mr. President, I will vote for the conference report because I believe we have few higher priorities than the safety and well-being of our troops deployed in harm's way. This legislation is critical to the war efforts in Iraq and Afghanistan, providing funding to purchase life-saving armor, replenishing stocks of spare parts and ammunition, and increasing the government's financial support for the families of America's fallen heroes.

Probably one of the most significant provisions in this legislation is the $308 million added above what the President proposed to ensure that more humvees deployed in combat are adequately armored. Just as in the previous 2 years, I have been deeply troubled by continuing shortfalls in the administration's plans for outfitting our troops with the protection they need. Over 1,600 U.S. troops have been killed in Iraq since the beginning of the war in March 2003. And rarely a day goes by that one does not hear about an improvised explosive device or roadside bomb seriously injuring an American there. This conference report is a step in the right direction to better prepare our troops for these threats, but more always needs to be done to ensure greater security for our soldiers, sailors, airmen, and marines. We owe it to them to make sure they have the resources to protect themselves as best they can.

And we owe it to their families here at home to make sure that their sacrifices are so honored. This bill also authorizes the Department of Defense to increase to $500,000 the amount that can be paid to surviving families of deceased servicemen and women. In addition, this bill rightly includes traumatic injury insurance of up to $100,000 for military personnel seriously wounded in action. These provisions are the least we as Americans can provide to the families of our men and women in uniform who are giving so much to our Nation.

Not all of this bill directly pertains to our troops deployed in Iraq and Afghanistan, however. And while I support many of these provisions, there are some sections that give me pause. On the positive side, I am pleased by the conference committee's decision to retain the amendment put forth by Senator WARNER to stop the Navy from downsizing its aircraft carrier fleet. We must retain the ability to quickly project power around the globe, particularly as emerging powers in Central and East Asia amass powerful fleets in direct challenge to U.S. Naval supremacy. And this amendment rightly puts the brakes on the administration's efforts to cut too deeply into our Navy's critical assets.

In terms of homeland security, this bill adds an additional $450 million over the President's proposal for more border security and customs agents. I support these additional resources and am pleased the conferees included them in this bill.

But this bill is not perfect. Indeed, I have some serious concerns about provisions that are included in the conference report before us. I also have concerns that certain important issues are not addressed by this bill.

First, I am greatly disappointed that the conferees decided to include the majority of the text that makes up a bill called the REAL ID Act. There are many troubling provisions in this language—virtually the same language that Republican members of the House tried to push through as part of last year's intelligence reform legislation. At that time, the 9/11 Commission opposed its inclusion. And the Senate managers of the bill prevented it from being included in conference.

But now, the vast majority of the REAL ID language has been included in the conference report before us. Although I do not sit on the Senate Judiciary Committee, I am concerned that this package of provisions was never debated within that panel. I would note that an effort to include the language in the Senate version of the emergency supplemental was withdrawn after bipartisan opposition to its inclusion.

This bill's REAL ID provisions, among other things, would require State departments of motor vehicles to verify documents used to obtain drivers licenses. This is an unfunded mandate—the language included in this bill does not specifically appropriate any amount for this purpose. Reportedly, the National Conference of State Legislatures estimates that REAL ID will cost States between $500 million and $700 million over 5 years to implement. Many States are already dealing with budget shortfalls. What impact will this additional financial have on States' abilities to provide basic services for their residents?

These licensing regulations also raise privacy issues, as DMVs will gain access to much private information. All Americans, when renewing or obtaining a new license, will be subject to these provisions. Certainly, some reform with respect to identification documents might be needed. But this partisan and hasty approach is not the right way to do it—especially when State governments are currently working to establish reasonable standards for reform that can be implemented. These are only two of the many troubling provisions of the REAL ID language, which deal with issues as far reaching as eligibility for asylum in the U.S. and border security.

I also have concerns about issues that were left out of this bill. For example, this bill does not include language addressing the practice of renditions—the process whereby the U.S. has reportedly transferred foreign prisoners, detainees, or combatants to other countries for interrogation purposes. Often, the countries to which these people have been transferred are known to practice torture. Yet, few specifics are known about the practice of renditions.

Nor does this bill address important issues of accountability, such as the extension of the lifespan of the Special Inspector General for Iraq Reconstruction, or the SIGIR. The SIGIR has performed admirably, but its doors will be closed years before it can complete its task of accounting for all American taxpayer money devoted to the reconstruction of Iraq. Senator FEINGOLD filed an amendment that would have fixed this problem. Unfortunately, the Republican leadership failed to support

his efforts, and the amendment was ruled non-germane—even though the SIGIR had originally been created and its authority subsequently extended as part of an emergency supplemental bill.

All in all, this bill is a mixed bag. But it contains critically important provisions to support our troops—specifically, it will help provide some of the equipment our troops need in order to finish their jobs safely. Moreover, it will help further the process of training Iraqi Army and police forces so that U.S. troops can finish their jobs and come home. I believe that it is incumbent upon this body to swiftly pass this spending bill. That is why I intend to support it when it comes to a vote.

Mr. CHAFEE. Mr. President, today the Senate considers the conference report on the President's emergency supplemental appropriations bill. Unfortunately, the REAL ID Act which had been attached in the House bill was included in the final measure.

The REAL ID Act should have been debated as a part of comprehensive immigration reform. By attaching REAL ID to a must pass spending measure, the critical process of vetting the bill in committee was circumvented and an opportunity for discussion and debate, which is essential for effective legislation, was denied.

There are many concerns I have with REAL ID in addition to the process used to bring it to the floor. First, the measure is an unfunded mandate to the States. Furthermore, unless every State complies, the Federal Government will have to mandate the creation of a national ID. Between the creation of a new database and approval system, training for DMV workers, and struggling State budgets, REAL ID will impose real costs.

More importantly, a database of this type will open up many privacy concerns and there must be security safeguards in place to prevent the gathered information from being obtained inappropriately.

Many States, including Rhode Island, have already passed legislation setting their own requirements for driver's license recipients. The Federal Government should not impinge upon the States' ability to decide who can and cannot drive on their roads, especially without the funding to support the idea. REAL ID will put more drivers on the road without licenses and without insurance.

I am also concerned about another provision of the REAL ID Act that would allow for the waiver of all laws—Federal, State, and local—to build barriers and roads at our borders. As a strong advocate of environmental protection, I am troubled about blanket waivers from environmental laws like the Endangered Species Act and the National Environmental Policy Act.

The REAL ID Act, at its best, should be a catalyst for discussion of comprehensive immigration reform. That discussion cannot take place in a forum primarily devoted to quickly releasing funds for our troops around the world and veterans returning home.

Ms. CANTWELL. Mr. President, the emergency supplemental appropriations conference report before us today is a critically important piece of legislation. This bill will ensure that our troops in Iraq, who put their lives on the line for us every day, are properly equipped and protected. It provides vital funds to support the emergence of a free Afghanistan, and it provides much-needed funding for tsunami relief.

I am supporting this conference report even though I strongly oppose the REAL ID provisions that are also included. The REAL ID Act is a complete overhaul of our immigration laws that would, amongst other things, impose complicated new driver's license requirements on States, make it harder for refugees at risk of persecution to be granted asylum, and suspend all environmental laws along the U.S. border.

This language will result in the most significant changes to our immigration policy in 10 years. While we have long recognized the need for comprehensive immigration reform, this debate has no business taking place as part of an emergency spending bill. Legislation of this importance deserves to be the subject of focused study and serious debate. Passing REAL ID without careful consideration is reckless, irresponsible, and a disservice to the American people.

Mr. SCHUMER. Mr. President, in this post-9/11 world, it has never been so important to work seriously and carefully on efforts to enhance our border security.

We in New York are particularly cognizant of the need for comprehensive efforts to make our borders, our ports, our critical infrastructure, and our airports as secure as possible. Like no other place in America, like no other place in the world, New Yorkers I represent know what terrorism looks like, feels like, and costs to our communities, the economy and our psyches.

It is crystal clear to almost everyone that there are many questions that need to be answered about how we secure our borders. As a member of the Judiciary Committee and a Senator from New York, an enormous amount of my time and energy is devoted to just those questions. And indeed, I don't think we are doing enough to secure our borders. But sneaking drastic changes to our immigration laws into a must-pass measure supporting our troops is not the way to address these Issues.

Opinions are mixed about how effective the REAL ID bill will be in enhancing national security. But regardless of what you might think about the merits of the bill itself—I, for instance, have serious concerns regarding the impact of its asylum provisions—this is an issue that requires serious debate. Instead, the Republican leadership has completely bypassed the committee process and slipped this controversial and complicated proposal into the emergency supplemental bill, which we will have to approve because it provides the necessary support of our men and women serving in Iraq and Afghanistan as well as the vital relief for the tsunami victims abroad.

Immigrants have built New York and this country from the bottom up. Our country was founded by and made stronger by the hard work of immigrants from all different countries, cultures, religions and races. I marvel how our new immigrants remake our land, making it a better place, even as they become new Americans. Just think of how many recent, and expectant immigrants now serve in our Armed Forces, some of whom have made the ultimate sacrifice for our Nation in Iraq and Afghanistan. I am proud that New York is still an epicenter for immigrants. Just like my ancestors came over from Europe many decades ago, the new generations of people just like us are beginning to take root, making our country, our economy, and our culture that much stronger and diverse.

So any bill that makes such dramatic changes to our immigration laws should be looked at carefully and considered judiciously. We must never bend in our determination to secure our borders and protect our Nation from harm. But nor can we forget what makes our Nation great. These debates and decisions must be reasoned debates, not take-it-or-leave-it ultimatums strategically devised for partisan political benefit.

There are provisions in this bill, for instance, that will make it harder for people persecuted on the basis of their race, religion, national origin, or gender abroad to pursue asylum and the American dream.

There are other provisions that would allow bail bondsmen to play judge and determine which immigrants are dangers to the community.

These are major changes to our laws, and we have a system to debate, discuss and vote on such changes. No bill raising so many questions on issues of such fundamental importance should escape an honest debate in the Senate. I urge my Republican colleagues to rethink this strategy and allow the Senate to do its work the right way.

Mr. BROWNBACK. Mr. President, I am pleased that we are voting on the final passage of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.

I commend my colleagues, especially Chairman COCHRAN, for working diligently to see that the Senate act quickly to address the needs of our troops in Iraq and Afghanistan and emergency humanitarian needs worldwide. Americans everywhere are grateful for the efforts of our troops who fight on the front lines of the war on terror. They have made personal sacrifices for the liberty of all Americans,

and we must support them by providing them with the very best equipment.

The conference report includes much needed funding for humanitarian assistance in areas of the world devastated by famine, disaster and war.

I am especially pleased that we have provided $90 million for international disaster and famine assistance for Darfur, Sudan and other African countries including Ethiopia, Liberia, Uganda, and the Democratic Republic of Congo. The situation in Sudan remains dire and there are several other countries in the region that will also greatly benefit from these funds.

The conference report also includes necessary peacekeeping dollars that will address the security needs of millions of oppressed people. First, it provides $50 million in funding for the African Union mission in Darfur. It is the experience of many on the ground in Darfur that atrocities do not occur when AU troops are present, and this funding should facilitate an expansion of their mission. I thank my colleagues, Senators CORZINE, DEWINE, DURBIN, LEAHY and MCCONNELL for their tireless work to get this money included in the bill. Security is paramount to ensuring an end to the violence that persists in Sudan, killing an estimated 15,000 people per month.

Second, the conference report directs $680 million to general peacekeeping operations in other war-torn areas worldwide. The United States contributions to these missions are important to security and stability on a global level.

I commend the inclusion of $5 million for assisting internally displaced persons in Afghanistan and $120.4 million for migration and refugee assistance for worldwide refugee protection and for the President to meet his goals for refugee admissions this year.

While all of these earmarks will provide much needed protection and assistance to the world's poorest and oppressed people, I am extremely disappointed that the Darfur accountability amendment was stripped in conference. The amendment which was included by the Senate, would have placed targeted sanctions in the form of a travel ban and asset freezes on individuals who are committing war crimes and crimes against humanity in Darfur. It would also have directed the administration to pursue certain policies at the U.N., including multilateral sanctions and an arms embargo against Sudan as well as the establishment of a no-fly zone over Darfur.

I appreciate my Senate colleagues' support of this measure and look forward to working together to move this as stand-alone legislation in the near future. It is my hope that the administration will publicly address their concerns with this bill so that we may move swiftly to enact the very important provisions that will help alleviate the ongoing genocide.

I am also disappointed that such sweeping immigration provisions were included in this bill without adequate debate or scrutiny. What concerned me most of all about the REAL ID bill is that it undermines America's moral authority by turning away legitimate asylum seekers fleeing tyranny. This language was added based on a claim that our asylum system can be used by terrorists to enter the country. This is not the case.

However, I would like to thank my colleague Chairman SPECTER for working diligently to successfully soften some of the harsher language in the asylum provisions. As originally drafted, the REAL ID Act would have created significant and additional barriers for refugees fleeing persecution to obtain asylum.

REAL ID would have greatly increased a refugees' burden of proof to establish their eligibility for asylum. At the whim of an immigration judge's discretion, refugees would be required to produce corroborative evidence of their claims of persecution or prove that the central intent of their persecutors was to punish them for their race, religion or political beliefs even in cases where the refugee's testimony was already credible.

The facts are quite obvious: persecutors are not going to issue official documents explaining their actions. In addition, proving the mindset of those who carry out killings, torture and other abuse is next to impossible. Even if this were possible, those who flee a country often times don't have time to gather up the proper documentation they may later need in an American immigration court.

The incorporated revisions would make an immigration judge take into account the totality of the circumstances when evaluating an applicants claim and would not be able to discard a claim for subjective reasons.

I want to clarify that the triers of fact must consider all relevant factors and base any adverse credibility determinations on a consideration of all of those factors. The findings must be reasonable. It would not be reasonable to find a lack of credibility based on inconsistencies, inaccuracies or falsehoods that do not go to the heart of the asylum claim without other evidence that the asylum applicant is attempting to deceive the trier of fact.

I also understand that when assessing demeanor, triers of fact must take into consideration the individual circumstances of the asylum applicant, such as his or her cultural background, educational background, gender, state of mind, history of trauma, and other factors.

I remain concerned about how the asylum provisions will affect the adjudication of claims by children. Adjudicators cannot realistically hold these children to the same burden of proof and standards of persuasion as adult asylum-seekers. For example, children reasonably cannot be expected to pinpoint a central motive of persecution and provide corroborating evidence of their persecution.

I conclude by pointing out that applications for asylum have fallen from 140,000 to just over 30,000 per year, and the numbers of those who are actually granted asylum has fallen to about 10,000 per year. Individuals fleeing persecution must already meet a high burden of proof and undergo intensive security measures to obtain asylum. While I recognize the importance of security in the post-9/11 environment, I am committed to ensuring legitimate asylum-seekers a haven without imposing unrealistic barriers.

In addition to the asylum revisions, I am extremely pleased that we were able to secure the repeal of the arbitrary 1,000 annual cap placed on refugees fleeing coercive population control. This, along with the lifting of the asylum adjustment cap, will enable those who have fled persecution, including forced abortions, to become legal permanent residents and enjoy the security and benefits that go along with that status.

The importance of the supplemental bill is not to be understated. Our troops are valiantly protecting human freedoms and deserve our support. The humanitarian crises around the world resulting from natural disasters such as the tsunami, and resulting from human rights atrocities such as genocide, cannot be ignored by a country such as ours. I thank my colleagues for working to get this bill to the President.

IRAQ SECURITY FORCES FUND

Mr. DURBIN. Mr. President, an important component of this $82 billion Emergency Supplemental Appropriations conference agreement is the $5.7 billion appropriated for the Iraq Security Forces Fund. I commend Senators STEVENS and INOUYE, the chairman and ranking member of the Defense Appropriations Subcommittee, for their efforts in securing the full budget request for this important effort. Security must be a high priority in Iraq. The sooner the Iraqis develop their own capacity to stabilize and secure their country, the sooner our men and women in uniform can come home to their families.

An important part of security in Iraq involves communications systems. The deployment of an Advanced First Responders Network, AFRN, throughout Iraq will begin to address the current lack of mission-critical public-safety communications capabilities. The AFRN system, when deployed throughout Iraq, will allow for focused coordination of security planning and execution, rapid data collection and analysis of changing security threats, rapid coordination and deployment of security assets to address threats, effective planning to reduce/prevent future security threats, and a more secure environment that will foster democracy and economic development.

The AFRN infrastructure in Iraq has been designed to address needs

throughout the country, including border regions and pipelines. However, additional funding is needed to meet this objective.

Mr. President, I would like to inquire of the chairman and the ranking member, Senators STEVENS and INOUYE, whether continued funding of the AFRN could be a qualified activity within the $5.7 billion included in the conference agreement for the Iraq Security Forces Fund?

Mr. STEVENS. Mr. President, I thank the Senator from Illinois for this question. Yes, I believe that funding for the AFRN could be an eligible activity within the funding we are providing in the Iraq Security Forces Fund. I cannot guarantee the Senator any particular level of funding will be provided, but I do agree with him that continued work on the AFRN is important.

Mr. INOUYE. I concur fully with the chairman.

Mr. DURBIN. I thank Senators STEVENS and INOUYE for their insight into this matter.

AUSTRALIAN NATIONALS

Mr. KYL. Mr. President, will the Senate Majority Leader yield for a question?

Mr. FRIST. I would be happy to yield.

Mr. KYL. I thank the distinguished Senate Majority Leader. I am pleased to see that the Frist Amendment, adopted by the Senate during consideration of the supplemental appropriations bill, is included in this conference report. The Frist Amendment creates a new E–3 visa sub-classification for Australian nationals. I would be grateful if Senator FRIST would clarify a couple of technical points relating to his amendment. It is my understanding that the E–3 visa would not be limited to employment that is directly related to international trade and investment, as are the E–1 and E–2 visas. Could the Senator confirm that this is his intention?

Mr. FRIST. I thank Senator KYL for his question. He is correct in his understanding that the E–3 visa would not be limited to employment that is directly related to international trade and investment. To qualify for an E–3 visa, an Australian national must be seeking employment in a ''specialty occupation,'' as that term is defined in the Immigration and Nationality Act, and the U.S. employer must have obtained a certified labor attestation from the Department of Labor. In other respects, such as visa application procedures, periods of admission, dependent admissions, and spousal work authorizations, the rules applicable to the new E–3 visa will be the same as for other E visa holders currently. Also, Australian nationals will continue to have access to all existing categories of visas to which they are currently entitled.

Mr. KYL. I thank the Senate Majority Leader for these few points of clarification.

Ms. COLLINS. Mr. President, I rise today in support of this urgently needed funding for our soldiers, sailors, airmen and Marines fighting around the world. Specifically, I would like to thank my colleague and friend from Mississippi, the distinguished chairman of the Appropriations Committee, Senator COCHRAN, for his commitment to our Nation's Armed Forces.

I particularly want to express my support for the provision dealing with DD(X) destroyers. This bill includes a critical provision to prohibit the use of funds by the Navy in conducting a ''one shipyard'' acquisition strategy to procure next-generation DD(X) destroyers.

The Navy serves not only as a central pillar of our Nation's military strategy, but also as a symbol of American strength abroad. It is crucial that not only do we have the most capable fleet, but also that we have sufficient numbers of ships . . . and shipbuilders . . . to meet our national security requirements.

Unfortunately, the Navy has proposed to radically change the acquisition strategy for DD(X) destroyers in such a manner as to ensure that there is only one shipyard involved in major surface combatant production. If implemented, the Navy's ill-advised proposal to go forward with a ''one shipyard'' competition for DD(X) between General Dynamics' Bath Iron Works in Bath, ME, and Northrop Grumman Ship Systems in Pascagoula, MS, would jeopardize our national security and our industrial capacity.

We need to move forward with DD(X) at both shipyards, as originally planned. Holding a competition will inevitably delay DD(X) acquisition and increase the costs to taxpayers.

The fleet needs the capabilities of a DD(X) destroyer that will provide sustained, offensive, and precise firepower at long ranges to support forces ashore and to conduct independent attacks against land targets. These systems will provide a naval or joint task force commander with the multimission flexibility to destroy a wide variety of land targets while simultaneously countering maritime threats.

Moreover, DD(X) will take advantage of advanced stealth technologies, which will render it significantly less detectable and more survivable to enemy attack than the current class of ships. It will also operate with significantly smaller crews than current destroyers.

Conducting a competition for these ships, or implementing a ''one shipyard'' acquisition strategy further exacerbates the decline in America's shipbuilding employment that has shrunk by an overwhelming 75 percent since the late 1980s.

This supplemental appropriations bill continues to build upon the work many of my colleagues and I during the past several months to thwart the Navy's attempt to have only one shipyard capable of building DD(X)s. On March 1, I joined 19 of my Senate colleagues, in concert with Senator LOTT, to send a letter to President Bush expressing our strong opposition to any ''winner take all'' competition for DD(X).

We all agreed that any instability or delay in the DD(X) program at this time could lead to the permanent exodus of skilled men and women from the last remaining shipyards that produce our complex surface combatants. Construction of surface combatants at a single shipyard would affect the Navy's ability to keep costs lower in the long term.

The recently-passed Senate budget resolution included a sense of the Senate on the acquisition DD(X) that correctly emphasized that the national security of the United States is best served by a competitive industrial base consisting of at least two shipyards capable of constructing major surface combatants.

The Congress has spoken very loudly, and very clearly on this rapid change in direction. It is in our national interest to have two major surface combatant shipyards. This appropriations bill is good for the Navy, good for our shipbuilders, and good for our Nation.

I urge my colleagues to support this legislation and funding for our men and women in uniform serving around the world.

Mrs. FEINSTEIN. Mr. President, I will vote to support the conference report on H.R. 1268, the fiscal year 2005 Supplemental Appropriations bill, although I have serious reservations about the process that was used to attach the REAL ID Act to legislation urgently needed to ensure our troops are adequately funded.

I am voting for this legislation because it provides needed support to our troops in combat, additional border patrol agents to secure our porous frontiers, vital relief to areas affected by the recent tsunami in the Indian Ocean, and important disaster relief here at home.

My colleagues have noted that this legislation funds important needs for our military, from additional up-armored humvees to increased death benefits for those who have lost their lives in service to our Nation in Iraq and Afghanistan.

I agree with my colleagues that it is vital that we get these resources to our men and women in uniform without delay.

However, I have serious concerns about the process by which controversial immigration provisions were attached to the bill.

And I want to again express my opposition to the inclusion of the REAL ID Act—despite the negotiated changes during conference—because an emergency supplemental is not the place for the Congress to enact substantive immigration provisions.

The REAL ID provisions included in this legislation will bring about significant legal and policy changes in the areas of asylum law, judicial review,

deportation of individuals alleged links to terrorist activities, driver's licenses and the border fence.

And while I recognize that there were modifications to the REAL ID Act during conference—including provisions relating to bounty hunters—we are still talking major changes to our immigration laws and I don't believe the Senate was given adequate opportunity to review, consider, debate and amend these issues.

Any voices of opposition to the REAL ID Act were all but silenced. I was a member of the conference committee, but I was not able to see the final language until the bill was ready to be filed and it was too late to do anything. Essentially, the minority was shut out of the conference negotiations on this bill.

The REAL ID Act wasn't the only immigration language added to this bill in which the Democrats were shut out.

For instance, the Republican leadership added language at the eleventh hour, postcloture, which creates a new temporary worker program for 10,500 Australian workers.

So each year now we will see an influx of 10,500 Australian workers, along with their families. Assuming that each of these professional workers brings their spouse and child, in reality we could be seeing an increase of 31,500 individuals each year—in addition to the other categories of professional workers, such as H–1B and L–1 workers.

At what point do we stop creating special carve outs for different groups of people or different countries? And after Australia, what country is going to come to us and ask for special exceptions to our immigration laws?

I am pleased that the conference committee came to a reasonable compromise on the issue of funding additional Border Patrol agents. The conference report makes available $635 million to address understaffing at our borders.

While this is a reduction from the amount provided by the Senate, it will provide for 500 new Border Patrol agents, 50 additional Immigration and Customs enforcement investigators, 168 detentions officers, as well as needed support staff and construction of additional detention space.

This is a good start toward meeting the goals of the Intelligence Reform and Terrorism Prevention Act, which authorizes the hiring of 2,000 new Border Patrol agents. That goal was developed in concert with the recommendations of the 9/11 Commission.

I look forward to working with my colleagues on the Homeland Security Appropriations Subcommittee to ensure that next year we continue to hire additional agents to secure our borders. Unfortunately, President Bush's budget for fiscal year 2006 only provides for 210 additional agents, which is simply not enough.

I would like to briefly comment on the military construction portion of this legislation. The House and Senate conferees included $1.128 billion to support military construction projects worldwide.

This includes $250 million for projects requested by the Army in Alaska, Colorado, Georgia, Kansas, New York, North Carolina, and Texas, to support Army modernization.

The bill also includes $647 million for the Army to support the global war on terror—$38.5 million for projects in Afghanistan, $40.4 million for a prison and security fence in Cuba, $479 million for projects in Iraq, and an additional $39 million for the design of these projects.

In addition, there is $140 million included in the bill to support the Marine Corps Force Structure Review Group to alleviate the overall stress on the Marine Corps produced by deployments related to the global war on terrorism. These projects are located in California, North Carolina, and Djibouti.

The bill includes $141 million to support Air Force projects in Central Command—$31 million for Afghanistan, $58 million for projects in Iraq, $1.4 million for the United Arab Emirates, $42.5 million for Uzbekistan, and an additional $8 million for the design of these projects.

Let me turn to an issue that is of particular importance to me and to my State—and that is preventing and fighting wildfires that have struck the West with increasing regularity and intensity in recent years.

As many of my colleagues know, southern California was hit this winter with unusually heavy rain storms that caused severe flooding—at this point it is the second wettest winter in Los Angeles since records have been kept.

These storms dumped 70 to 90 inches of rain in parts of southern California that include several national forests, causing flooding, debris flows, and mudslides which destroyed or damaged more than 90 percent of the roads in four National Forests: Angeles National Forest; Cleveland National Forest; Los Padres National Forest; and San Bernardino National Forest.

The conference report provides $24.39 million in capital improvement and maintenance funding to the Forest Service to repair those roads. This funding will make it possible to repair roads that are vital to firefighting efforts for thousands of acres in these forests.

We all know about the disastrous wildfires that burned in southern California in 2003. Fires burned 739,597 acres, destroyed 3,631 homes, and killed 24 people, according to the California Department of Forestry.

San Bernardino Forest Supervisor Gene Zimmerman told my staff that he has never seen the grass grow as high as it has this year, and it is starting to turn brown—which means it could burn later this year.

Here is the biggest difference from 2003: right now, firefighters cannot get in to the forests to contain fires. The Forest Service estimates that 2.3 million acres of National Forest System lands are inaccessible to ground-based fire vehicles.

The Forest Service tells me that they need to begin work immediately on roads to allow access for the 2005 fire season. They already have contractors working and will add to their contracts as funding is available. They have done the necessary damage assessments to enable immediate start up of work.

With the $24 million in this conference report, the Forest Service can open the majority of roads to accommodate fire apparatus by July and August, which is still the early part of this year's fire season.

I thank Chairman COCHRAN, Senator BYRD, Interior Subcommittee Chairman BURNS and Senator DORGAN, as well as their able staffs for helping to secure this funding in the Senate bill.

I also thank House Chairman LEWIS for working with us in the conference committee on an issue that is crucial to preventing a repeat of the devastating fires our State suffered in 2003.

I want to briefly highlight one last issue that is important to me, and I believe to the prospects for peace in the Middle East.

This conference report includes a provision that I offered to provide legal authority for a Federal agency, the Overseas Private Investment Corporation, OPIC, to receive $10 million to help bolster economic and infrastructure development in the Gaza Strip.

OPIC is combining forces with private organizations to build a $250 million loan fund that would be aimed at microfinance, small business, corporate and mortgage lending to deserving businesses, firms and entities in the Gaza Strip and West Bank.

A meeting is being held this coming week in London among the various loan fund participants to continue sorting out appropriate financial and legal mechanisms for distributing these funds.

As the group moves forward, this $10 million subsidy will play a crucial role in extending OPIC political risk guarantees for loans to deserving Palestinian business recipients and I was pleased to assist in this process.

On a larger scale, as we begin the process of Gaza disengagement, we need to help provide the Palestinians with real economic hope—not continued frustration about the lack of jobs and exports.

The lack of agreed mechanisms to coordinate disengagement, developing an agreed concept on how Palestinian security forces will take over areas evacuated by Israeli defense forces, and permitting greater freedom of movement, between Gaza and the West Bank, to assist with rehabilitation efforts are just a few areas of concern.

I hope the $150 million provided by this conference report will contribute to framing key security and economic arrangements that allow Gaza disengagement to occur peacefully and not violently.

Although I am troubled by the inclusion of the REAL ID Act in this bill, the bottom line is that it provides necessary funding to our troops in Iraq and Afghanistan, as well as relief to countries struck by the Tsunami in the Indian Ocean and disasters here at home. It may not be perfect, but it gives vital financial support to those who badly need it.

Mrs. BOXER. Mr. President, I will vote in favor of the fiscal year 2005 Emergency Supplemental Appropriations conference report. This conference report contains important funding that gives our troops in Afghanistan and Iraq the equipment and support they need. It also provides additional resources to help train new Iraqi security forces that will help speed the return of our servicemen and women.

In March, I traveled to Iraq to witness firsthand our military operations. There is no doubt that the insurgency is strong and that our continuing presence in Iraq, without even a goal for leaving, is fueling it.

Therefore, our troops are in grave danger every day, as evidenced by the tragic number of dead and wounded. Since the beginning of the Iraq War, we have suffered more than 1,600 deaths and more than 12,000 wounded.

My trip to Iraq confirmed my fears that not enough is being done to protect our soldiers from the threat of roadside bombs. Roadside bombs are one of the leading causes of death in Iraq and are responsible for 70 percent of those personnel killed or wounded. That is why I am glad that the conference report provides $60 million to rapidly field electronic jammers that help prevent the detonation of roadside bombs. This is consistent with the Boxer amendment that was adopted on the floor during the Senate's consideration of the bill.

I am also pleased that the conference report provides $150 million in additional funding for up-armored Humvees. While this is not as much as provided by the Bayh amendment, it is still a step in the right direction.

I will vote for this conference report, but I do so with serious reservations about the lack of an exit strategy in Iraq and with additional reservations about the way the REAL ID Act was attached to this legislation.

The REAL ID Act contains sweeping changes to our immigration laws. These provisions were not included in the President's supplemental appropriations request, nor were they included in the Senate version of the bill that was approved last month.

But at the insistence of the Republican leadership in the House, this legislation was attached to the House version of the emergency supplemental bill and then rammed through conference without the participation of Democrats. The REAL ID Act will become law without discussion or debate in the Senate.

The REAL ID Act contains a provision that would require states to collect documents proving the date of birth, social security number, principal address, and lawful immigration status for any applicant seeking a driver's license or identification card that would be recognized by the Federal government. States would be required to keep these documents on hand for a minimum of 7 years, maintain this information on a database, and allow electronic access to all other states.

States are understandably concerned that they do not have the capability to meet this mandate. Privacy concerns have also been raised.

Unfortunately, we have not had the ability to fully investigate the privacy implications and other issues related to this provision. My State of California has worked for 3 years trying to find a workable solution to this issue. But in the Senate, the REAL ID Act did not even warrant a hearing. This is why the National Governors Association, the National Council of State Legislatures, and the American Association of Motor Vehicle Administrators all oppose this legislation.

The REAL ID Act also contains a troubling provision that allows the Secretary of Homeland Security to waive all legal requirements—including environmental laws—in order to build security fences along U.S. borders. Security fences can be built without waiving environmental laws.

So, while I will vote for this bill because it helps our brave and courageous troops, I am deeply distressed at the way Democrats were left out of all the immigration discussions.

Mr. LEAHY. Mr. President, I am dismayed that nearly all of the provisions of the REAL ID Act have been included in this conference report after closed-door negotiations between House and Senate Republicans. Democratic conferees were excluded from these negotiations. Indeed, my staff specifically asked the conferees for the majority to be included in negotiations on these far-reaching provisions—which have never received Judiciary Committee consideration—but our request was ignored.

I oppose the inclusion of these provisions for a number of reasons. First and foremost, this is not the way we should be legislating comprehensive changes to our immigration laws. The Judiciary Committee never considered them. The Senate never voted on them when the supplemental appropriations bill was being debated. Indeed, Senator ISAKSON offered an amendment that included the text of REAL ID but then withdrew it, reportedly under pressure from his own leadership. Many of us believed the Senate would vote down the Isakson amendment, especially considering that six Republican Senators had joined six Democratic Senators in writing to the majority leader to oppose including REAL ID in the supplemental appropriations bill.

Second, I am concerned that the REAL ID Act will cause great hardship for asylum seekers. In the guise of preventing terrorists from obtaining asylum—which is forbidden under current law—this conference report raises the standard of proof for all asylum seekers. The REAL ID Act's asylum provisions are opposed by a wide variety of religious organizations from across the political spectrum, as well as advocates for refugees and asylees. The United States Conference of Catholic Bishops has said that the asylum provisions in REAL ID would ''eviscerate the protection of asylum, thus preventing victims of persecution from receiving safe haven in the United States.''

Third, this conference report includes the REAL ID Act's breathtaking waiver of Federal law. The Secretary of Homeland Security will now be empowered to waive any and all laws that may get in the way of the construction of fences or barriers at any United States border. The Secretary already has broad authority in this area, and to further increase it demonstrates a lack of concern both with environmental protection and the rule of law.

Fourth, the conference report repeals the minimum Federal standards for driver's licenses that Congress passed only last December in the intelligence reform bill, in response to the recommendations of the 9/11 Commission. The Bush administration said that it preferred the approach taken in the conference report to the approach favored by the House, which is contained in the REAL ID Act. The House approach, now included in this conference report, replaces the newly enacted minimum standards with Federal mandates that I fear will be unworkable. The administration and the States have already devoted substantial energy to implementing the existing standards, and this conference report may represent a step backwards in our security.

These new provisions will endanger the lives of victims of domestic violence, including U.S. citizens. Many States currently allow victims of abuse—who frequently are hiding from their abusers—to obtain driver's licenses that do not list their address. This conference report will require all licenses to bear the recipient's address; unfortunately, it contains no exception for victims of domestic abuse or stalking. If a victim of domestic abuse or stalking is forced to disclose her physical residence in order to get a Federally-approved driver's license, she risks the possibility that she and her children will be tracked down by their abuser. For women and children fleeing domestic abuse or stalking, the option to use an alternate address is not a matter of convenience or preference; it can be a matter of life or death. We must fix this residential address requirement when we reauthorize the Violence Against Women Act later this year by creating an exemption for victims of domestic abuse or stalking.

Fifth, the conference report would eliminate habeas corpus review for

aliens who have received removal orders. We have not taken such a step in this country for more than a century, but we are taking it now, without the Senate even considering the measure.

Overall, the REAL ID provisions in this conference report need a much wider airing and consideration before enactment. Unfortunately, Republican conferees agreed to exclude the Democrats from consideration of these proposals and a group of Senate and House appropriators have agreed to change our immigration laws in profound ways.

On a much more favorable note, I am pleased that the conference report included, with minor modifications, the Senate-passed provision to provide relief to the small and seasonal businesses across our nation that rely on temporary foreign workers who come here on H–2B visas. I cosponsored the Senate amendment, offered by Senator MIKULSKI, to make additional visas available for aliens who wish to perform seasonal work in the United States. For the second year in a row, the statutory cap on such H–2B visas was met before businesses that need additional summer employees were even eligible to apply for visas. This has hurt businesses across the country, and this amendment will provide needed relief.

In Vermont, the main users of these visas are hotels, inns and resorts that have a busy summer season. I have heard from dozens of businesses in Vermont over the past year that have struggled mightily to manage without temporary foreign labor. I know that the Lake Champlain Chamber of Commerce, the Vermont Lodging & Restaurant Association and many small businesses in Vermont are vitally concerned and expect that similar associations and businesses in other States are, as well.

Indeed, a wide range of industries use these visas in other States. I imagine that nearly all Senators have heard from a constituent who has been harmed by the sudden shortage of H–2B visas, and fear that they will go out of business if Congress does not act to make more visas available.

The conference report does not raise the cap on the program, but rather allows those who had entered the U.S. in previous years through the H–2B program to return. These are, by definition, people who came to the U.S. legally and returned to their own countries as the law requires. The amendment also addresses the concerns some members have expressed about fraud.

I have been working to solve this crisis for more than a year. I joined last year with a substantial bipartisan coalition in introducing S.2252, the Save Summer Act of 2004. Senator KENNEDY was the lead sponsor of the bill, which had 18 cosponsors, including 8 Republicans. The bill would have added 40,000 visas for the current fiscal year, providing relief to those summer-oriented businesses that had never even had the opportunity to apply for visas. Unfortunately, that bill was opposed by a number of Republican Senators and never received a vote. Our constituents suffered the consequences, and I am gratified that we are prepared to provide relief.

Mr. JOHNSON. Mr. President, thousands of men and women are proudly serving in Iraq and Afghanistan. While the majority will return home to their loved ones, more than 1,700 have paid the ultimate sacrifice to their country, and nearly 13,000 have been wounded in action. Even after Iraq's historic elections in January, violence continues on a daily basis with no end in sight to the insurgency.

Today, the Senate is preparing to approve another massive supplemental appropriations request from the Bush administration to fund ongoing operations in Iraq and Afghanistan. The most recent request of $82 billion makes it the second largest supplemental appropriations measure Congress has ever passed and brings the total amount of appropriated funds to $275 billion.

I support this supplemental request because I firmly believe that Congress has an obligation to provide our troops with all the resources they need to complete their mission. While I am deeply troubled by the Bush administration's continued practice of funding our efforts in Iraq and Afghanistan through supplemental appropriations requests rather than the normal annual appropriations process, the bill contains too many important resources for our troops not to support it.

This bill includes additional funding above the President's request for essential items such as up-armored Army Humvees, add-on vehicle armor kits, night vision equipment, and radio jammers that disrupt remote-controlled bombs used by Iraqi insurgents. In addition, Congress recognizes the extraordinary sacrifices our soldiers are making in defense of freedom by increasing the amount of life insurance servicemembers can purchase, as well as the one-time death gratuity a soldier's surviving family members receives.

Having said that, I have deep concerns about this most recent supplemental request. For over 2 years, American soldiers have been shouldering most of the peace-keeping burden in Iraq. While no one dismisses the contributions being made by coalition members, once again, I ask President Bush to reach out to our allies so that our efforts in Iraq are truly an international effort. The entire world has much to gain by a secure and peaceful Iraq, and other nations should do their fair share because we ask even more of our brave men and women in uniform.

While I am supportive of quick action on funding for U.S. troops, I must express my strong opposition to the way the Republican leadership is forcing approval of far-reaching driver license legislation as part of this bill. There has been no real opportunity for debate of the ''REAL ID'' amendment. Its inclusion in this must-pass bill subverts the work of the Regulatory Negotiation Advisory Committee that was established in last year's intelligence overhaul bill to provide a thoughtful and carefully crafted approach to driver's license legislation. Because we are now faced with a conference report on emergency funding, no further amendments will be permitted and Senators must vote yes or no on the entire package.

The REAL ID amendment will saddle the States with a $500 million unfunded mandate over the next 5 years, while at the same time, complicating the issuing and re-issuing of drivers licenses. State employees will be required to assume the duties of the Federal Immigration and Naturalization Service at a time when States are already reeling from Federal cuts in Medicaid, education, and community development funding. With no opportunity for amendments or expert testimony, Congress is being required to establish what amounts to a national ID card. While the goal of establishing more secure driver's licenses in the post-9/11 world is vitally important, it should be the responsibility of the Advisory Committee. Forcing this ill-considered amendment past Congress on the back of an unrelated bill that provides needed funds for our troops is wrong and a disservice to the American people.

I am uncomfortable conducting Senate business in this manner, particularly when it comes to issues that affect the security of our personal identity. These provisions were attached to a vital appropriations bill before authorizing Senate committees of jurisdiction had an opportunity to properly scrutinize the content, conduct hearings, and pose questions to administration officials and other interested individuals. Even more astounding, Democrats were not included in negotiations to determine the immigration provisions of this bill.

On matters as important as immigration reform and homeland security, it is misguided and short-sighted to pass legislation in this ad hoc fashion. Forcing Senators to support funding for our troops by voting in favor of legislation they may oppose is not in the best interest of our country.

I have deep reservations about some of the provisions included in this bill, and I hope they can be reconsidered as measures apart from this supplemental bill. However, I will vote in favor of providing additional funds for our troops. Our first priority must be to ensure our troops have the necessary tools to finish their mission in Iraq and Afghanistan as swiftly and as safely as possible.

Ms. SNOWE. Mr. President, I rise today to address the provisions of the conference report to H.R. 1268, the Iraq and Afghanistan Emergency Supplemental Appropriations Act, concerning

small business contracting at the Department of Energy.

As chair of the Senate Committee on Small Business and Entrepreneurship, I am concerned that, although the conference report did not contain a substantive change to the Small Business Act's prime contracts goaling requirements, it does contain a provision addressing small business contracting. I remain deeply disappointed that H.R. 1268, an emergency appropriations measure, includes targeted language dealing with the Department of Energy's small business contracting. Numerous groups and individuals, including the SBA Administrator and the SBA Chief Counsel for Advocacy, wrote to Congress in opposition to substantive changes to small business prime contracting goals.

As a result of inclusion of this provision, the Congressional small business committees prepared a joint statement to be submitted in both the House and the Senate. Chairman MANZULLO of the House Small Business already filed this Statement in the House prior to the vote on the conference report for H.R. 1268. I ask unanimous consent to have printed in the RECORD the following statement.

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

JOINT STATEMENT CONCERNING SMALL BUSINESS CONTRACTING PROVISIONS IN H.R. 1268

(by Senator Olympia J. Snowe, Chair of the Senate Committee on Small Business and Entrepreneurship, and Congressman Donald R. Manzullo, Chairman, House Committee on Small Business)

Section 6022 of H.R. 1268, as adopted in the Conference Report, H. Rep. 109–72, contains certain provisions concerning small business contracting at the Department of Energy. These provisions were inserted as a substitute for Section 6023 of the Senate version of H.R. 1268. Section 6023, among other things sought to amend the Small Business Act to authorize counting of small business subcontracts at the Department of Energy's large prime contractors for purposes of reporting small business prime contracting results. Because the substitute language was not adopted by Congress through regular legislative proceedings in the Senate Committee on Small Business and Entrepreneurship and the House Committee on Small Business but was adopted anew during the House-Senate conference, the committees of jurisdiction take this opportunity to provide guidance generally provided through their reports to Senators and Representatives prior to their vote on the Conference Report, and to affected Federal agencies prior to their implementation of the Conference Report if adopted.

In subsections 6022 (a) and (b), the language chosen to replace Section 6023 in the Conference Report directs the Department of Energy and the Small Business Administration to enter into a Memorandum of Understanding for reporting small business prime contracts and subcontracts at the Department of Energy. This replacement language does not change the Small Business Act's clear distinction between prime contracts and subcontracts, does not amend the statutory small business prime contracting goal requirements which are binding on the Department of Energy, and does not obviate Congressional and regulatory policies against contract bundling. This language does not repeal the President's Executive Order 13360 directing the Department of Energy to comply with its separate statutory prime contracting and subcontracting goals for awards to small businesses owned by service-disabled veterans. Any interpretation to the contrary would be unreasonable and contrary to Congressional intent.

In subsection 6022(c), the replacement language mandates a study of changes to management prime contracts at the Department of Energy to encourage small business prime contracting opportunities. The object of the study is to examine the feasibility of establishing a procurement agency relationship between the management prime contractors and the Department of Energy in accordance with the requirements of Federal procurement laws, Federal procurement regulations, the ''Federal norm'' of government contracting as recognized by the Comptroller General, and applicable judicial precedent such as U.S. West Communications, Inc. v. United States, 940 F.2d 622 (Fed. Cir. 1991).

Finally, in subsection 6022(d), the replacement language imposes certain requirements upon the Department of Energy concerning break-outs of services from large prime contracts for awards to small businesses. First, the Secretary of Energy is required to consider whether services performed have been previously provided by a small business concern. This requirement is for acquisition planning purposes only, and shall not be construed as imposing a restriction of any kind on the ability of the Department of Energy to break out its large prime contracts for award to small businesses. Congress recognizes that most of work currently contracted by the Department of Energy to its large prime contractors has never been historically performed by small businesses. However, this does not waive the application of the Small Business Act, the President's Executive Order 13360, or the President's initiative against contract bundling to the Department of Energy. Second, the Secretary of Energy is required to consider whether small business concerns are capable of performing under the contracts which are broken out for award. This requirement is simply a restatement of current statutory and regulatory requirements on contractor responsibility. Subsection (d)(2) directs the Secretary of Energy is required to—impose certain subcontracting requirements. As the text plainly indicates, this provision applies solely to small business prime contracts which were formerly small business subcontracts for services.

Mr. GREGG. Mr. President, I rise to discuss a few of my thoughts regarding the Iraq/Afghanistan supplemental appropriations bill that the Senate is expected to pass today. In particular, I wanted to discuss the bill's important provisions that would improve the H–2B visa program and provide timely relief for seasonal businesses in my State and across the country.

First, let me express my appreciation to my dear friend from Maryland, Senator MIKULSKI, who has been a tireless fighter for the seasonal employers in her State. She and I have worked together on this issue for several months, and I was proud to be the lead cosponsor of S. 352, the ''Save Our Small and Seasonal Businesses Act of 2005.'' Our offices worked closely to draft this legislation, which was incorporated into the Iraq/Afghanistan supplemental appropriations bill when the Senate overwhelmingly approved Senator MIKULSKI's H–2B amendment on April 19, 2005 by a vote of 94–6. I am pleased that this legislation was also accepted in conference and will soon become law.

With the summer season soon upon us, I believe that the H–2B problem needs timely relief that is fair to all seasonal employers, and the Save Our Small and Seasonal Businesses Act will do exactly this. As most of us know, the 66,000 cap on H–2B visas was reached in early January; therefore, shutting out businesses that rely on H–2B workers in the spring and summer months. This seasonal inequity is unjustifiable, and therefore I am pleased that the H–2B provisions before us will divide the 66,000 cap so that 33,000 visas will be available for the first half of the fiscal year and the other 33,000 visas will be available for the second half of the fiscal year.

To provide timely and meaningful relief, the Save Our Small and Seasonal Businesses Act will also temporarily exempt returning H–2B workers from the statutory cap. For fiscal years 2005 and 2006, H–2B workers who had worked in the U.S. under an H–2B visa during the past three fiscal years will qualify for this exemption and will not be counted against the cap. Since the cap has already been hit for fiscal year 2005, the H–2B provisions in the supplemental appropriations bill will establish a ''look back''—namely, they allow the Department of Homeland Security to estimate how many of the H–2B visas already issued for this fiscal year were given to returning workers. This is necessary to ensure that the Department can swiftly apply the exemption for fiscal year 2005 and free up visas under the cap for new H–2B workers for this summer season.

In addition, the Save Our Small and Seasonal Businesses Act will allow the Department of Homeland Security to waive the Administrative Procedure Act to avoid having to issue rules and go through other hurdles to implement the H–2B provisions before us. This is intended to give the Department the ability to swiftly accept H–2B petitions and implement the Save Our Small and Seasonal Businesses Act in a timely manner so that businesses can employ H–2B workers this summer.

As I stated earlier, I am pleased that Congress has finally acted to improve the H–2B program and provide timely relief for small and seasonal businesses. In my State, the H–2B program is of special concern to the tourist and logging industries, which are both important to the New Hampshire economy. For instance, in 2004 alone, New Hampshire's tourism industry generated $4 billion in revenues and nearly $140 million in rooms and meals taxes, which makes up about 25 percent of the State's total revenue stream. For a number of seasonal employers in my State, the short-term hiring needs and the nature of their businesses make it extremely difficult, if not impossible, to fully staff their positions with U.S. workers. H–2B workers therefore are

the only lawful option to fulfill labor shortages when U.S. workers are not available.

The Save Our Small and Seasonal Businesses Act will help ensure that these seasonal employers can stay in business and use a program that has safeguards for U.S. workers. Moreover, as we try to reign in illegal immigration and bolster respect for our laws, I believe that Congress has shown wise judgment by passing this legislation. In addition to strengthening anti-fraud protections, these H–2B reforms will reward employers that follow the rules and will encourage the lawful hiring of temporary workers instead of the hiring of illegal aliens.

Some provisions of the Save Our Small and Seasonal Businesses Act are only temporary in nature and are intended to be a short-term fix. I recognize that significantly more work must be done to improve our immigration policies over the long term, including our guest worker programs. We can no longer accept having immigration laws that fail to bring about order along our borders and other points of entry or are ignored altogether. As such, Congress must re-double its efforts to pass comprehensive immigration reform legislation, and I look forward to working with my colleagues on this long needed effort.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank Chairman COCHRAN for his leadership on this important bill for our country, as well as ranking member BYRD.

I rise in support of H.R. 1268. I support it because it is a symbol of our compact with our troops and their families. I support it because it sends a signal of hope to other emerging democracies. And I support it despite some baffling decisions taken in the conference committee to strike key proposals to support our troops and their families.

Insurgent attacks in Iraq are on the rise. There were 45 per day in March, 60 per day in April, and the rate of attacks this month is topping that number. While down from the highs of the preelection violence, this spike does not suggest a weakened or retreating insurgency. Instead, it suggests a greater urgency is needed for even greater support for our troops.

Last month the Washington Post quoted an unnamed American official in our embassy in Baghdad as saying:

> My strong sense is that a lot of political momentum that was generated out of the successful election, which was sort of like a punch in the gut to the insurgents, has worn off.

In Colorado, we have seen Army units mobilizing for their second and third tours in Iraq; this nearly 2 years after we were assured that the mission there had been accomplished. So it is time that we get this assistance to our troops and to their families.

This bill includes $75.9 billion for the Department of Defense and an additional $450 million for increased border security. Those efforts cannot wait any longer. After having been needlessly delayed by the inclusion of extraneous provisions in the House of Representatives, we need to put these investments to work.

We also need to put the resources to work that are called for in this legislation beyond Iraq. That is why it is so important that the conference committee include the $5 million downpayment on America's investment in a strong and independent and democratic Lebanon, free from interference from Syria. We all remember the courageous protests in the streets of Beirut earlier this year. Yet despite this brave show of support for freedom, the President's supplemental included no funding for strengthening democracy in Lebanon. That would have been a missed opportunity, and I am delighted that the conference committee kept this funding in the conference report.

At the same time, we need to ensure that the enormous investment our taxpayers are making in this bill is invested carefully. We were all painfully familiar with the reports from Iraq of security personnel that received training only to turn and run when confronted with insurgents, or even the instances where personnel we paid to train turned their weapons on our own troops.

That is why I am so pleased the conference report includes the amendment I included during our debate in the Senate regarding the hundreds of millions of dollars we are investing in Afghan security forces. Like our successful efforts to invest increased resources in Colorado police officers when I served as Colorado State attorney general, my amendment simply says that we are prepared to pay to train Afghan forces, provided they are prepared to accept greater accountability and standards of excellence. That is the least the American people should expect, and I commend the conference committee for adopting that amendment.

I also want to comment on inadequacies that I see in the conference report. As a new Member of the Senate, I have to express my surprise at the partisan nature of the conference committee report itself. This is a shame because the rest of the country does not see supporting our troops as a partisan issue. It seems to me that in a time of war, we can do better than a conference committee that meets purely on partisan lines, better than a conference committee that cuts out proposals that passed this Chamber with overwhelming majorities, and better than a conference committee that inserts a proposal to overturn decades of American asylum policy, a policy that protects the world's most vulnerable people, even though a Senate committee has never reviewed that policy.

The conference report provides an increase in the fallen hero compensation to $100,000 for all combat-related deaths, similar to language proposed in the Senate committee. Regrettably, it omits the Kerry amendment, which I cosponsored and which was adopted by an overwhelming bipartisan majority of this body, that would have assured that all the families in the military who have died since 9/11 would be eligible to receive $100,000 in fallen hero compensation. Similarly, just as insurgent attacks began to spike, this conference report also omits much of the additional funding for up-armored humvees, overwhelmingly passed in the form of an amendment sponsored by Senator BAYH.

As we see more and more reservists and guards men and women deployed to Iraq, the conference report omits protections for these patriots and their families.

The amendment would have ensured that Federal employees who have been activated in the Guard or Reserves do not suffer any loss in salary as a result of their willingness to take on this patriotic assignment. I do not understand why the conference deleted the payment protections afforded these families by the Durbin amendment.

While the conference committee could not protect these important provisions for our troops and their families, somehow this conference, led by Members of the House of Representatives, did find time to include within this wartime supplemental a huge proposal that has never received a hearing in the Senate.

I will say this about the so-called REAL ID Act included in this bill: It does nothing to address the calls of many Coloradans for serious border strengthening.

It will not reduce the flow of undocumented immigrants who come to the United States. Instead, it will heap an unfunded mandate on the States, passing onto the States our duty to protect our borders. At the same time, it denies protection to refugees who come to this country seeking freedom from religious and political persecution.

Let's be clear what those protections are for. They are for the world's most vulnerable people who come to this country seeking freedom and safety from persecution. They include Christians fleeing persecution in Egypt, democracy activists fleeing violence in West Africa, and women fleeing abuse in Somalia. While the issue of immigration is an issue that necessarily deserves attention in our Nation's Capitol today, this is not the way to go.

Mr. President, it is time that we get the funding contemplated in this legislation to our troops. It has been delayed long enough. I intend to vote for it, and I hope my colleagues will do the same.

I yield the floor.

Mr. COCHRAN. Mr. President, I am pleased to see that Senators have endorsed the conference report in a bipartisan way. We appreciate the support that this is receiving. In every conference, there are always issues that

arise that cannot be resolved to suit all Senators or all Members of the other body. But I must say to the Senate that this was a conference that was open, fair, and it allowed for the participation of all conferees, both parties in the Senate, and the same with the House. We had two sessions; one was in the Capitol over on the House side and another was on the Senate side in the Mansfield Room, where any Senator or any Member from the House who wanted to speak before the conference had the right to do so. In addition, Members had the opportunity to offer motions, amendments, or suggestions for the benefit of members of the conference.

I was very pleased to acknowledge, at the time, the important participation of the ranking member on the Democratic side in the Senate committee, Senator BYRD, who took an active role in the discussions, who offered a motion at one point to insist upon the position of the Senate in the conference. Other members could have done the same or argued against including any provision of the House-passed bill.

There has been some discussion today about the REAL ID provision. I didn't think that was a wonderful idea myself. It was not included in the Senate bill. It was a House provision. But the House Members insisted that it be included in the conference report. Anyone who wanted to resist that had an opportunity to argue against it or to offer a motion that the Senate insist upon its position that it not be included. No Senator elected to do that.

I didn't know how many meetings were going to be required of the conference. I had no idea what the House would do in terms of insisting on provisions in this bill as that conference began. I was, frankly, surprised that we didn't have but two meetings of the conference. I expected that we would have other meetings. But the House didn't think it was important or necessary, and I got the impression that there were going to be no more meetings but only after the second meeting had concluded. Members of the committee continued to discuss issues with House conferees, and we finally reached agreement.

I think this is a good conference report. It is a reasonable compromise between the two bills that were passed by the House and the Senate. We didn't get everything we wanted in the conference with the House; neither did the House get everything they wanted in conference with our Senate conferees. But I think this is a fair conference report. It reflects a commitment to support the President, to provide funding that is needed for military operations in Iraq and Afghanistan. It is an urgent supplemental bill, and it ought to be passed today by the Senate. I am confident that it will be.

I appreciate very much the assistance and the affirmative way members of our conference worked to ensure that we could get a conference report that would be adopted by the Senate. I think we have accomplished that goal.

I am proud of the work that was done by the members of our staffs. They worked very, very hard in the preparation of the conference report that is before the Senate today. I especially want to thank our staff director, Keith Kennedy; Terry Sauvain, his counterpart on the Democratic side; Chuck Keiffer on the Democratic side, who also worked very hard; Charlie Houy, who has been a stalwart member of the staff of the Defense Appropriations Subcommittee for many years; Rebecca Davies on the Homeland Security Appropriations Committee; Sid Ashworth, the clerk of the Defense Appropriations Subcommittee. Senator STEVENS, chairman of that subcommittee and former chairman of the full committee, was enormously influential in this conference. I have been very grateful for his support and assistance. I also thank Clayton Heil, counsel to our Senate Committee on Appropriations, who has been very helpful as well. And there are others.

Mr. President, I appreciate the assistance of other Senators on the full Committee on Appropriations. We had strong support in the signing of the conference report. It has been a bipartisan achievement. It is not a partisan bill, and we appreciate the fact that it is not.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time under the quorum be charged equally to each side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. 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. CARPER. Mr. President, in a time of war, nothing is more important than making sure that our fighting men and women have what they need to do their jobs well. It is with our troops in mind that I will vote in favor of this supplemental appropriations conference report.

Having said that, I do have some major concerns about how this bill has been put together and how the Congress has conducted its business with respect to such emergency spending requests over the past several years.

Thousands of brave Americans have been serving our country in war zones since shortly after that fateful day of September 11, 2001. But 4 years later, the President and those of us in this Congress continue to refuse to budget for these wartime expenses. Rather than incorporating the costs of the operations in Iraq and Afghanistan in the budget, these important expenditures continue to be tagged as ''emergency spending.'' Emergency spending should be reserved, in my view, for unforeseen needs.

We know, however, that the need for additional funding for our campaigns in Iraq and Afghanistan is something we should expect and be able to budget for. Unfortunately, this is not new for this Congress or for the Bush administration. This is, I believe, the fourth consecutive time that funding for military operations in Iraq and in Afghanistan have been requested outside the regular budgeting and appropriations process.

By not taking into consideration the costs of these supplemental requests, which we all know are coming, the President and the Congress can more easily fudge the true nature of our Federal deficits and what our spending assumptions will be over the foreseeable future. In other words, by keeping the spending out of the budget, the President and this Congress can paint a fiscal picture that is, frankly, rosier than reality.

Contrast, if you will, what we are doing today with what we did during the Vietnam conflict, the conflict I served in and I know others of us did as well. After one supplemental appropriations in 1966, President Johnson and later President Nixon included the cost of our military operations in Vietnam in their annual budget requests, not in emergency supplemental after emergency supplemental. They requested them in their annual budget request. That approach was the right approach. Whether people approved of the war in Vietnam and our involvement there, at least the approach of budgeting for it was appropriate. I believe we owe it to the American people, who are very aware of the cost and nature of our operations, to be upfront about the true state of our country's finances.

To make a second point, there have been times in the last several years when the House has passed a bill, the Senate has passed a bill, we convene a conference committee, and the House and Senate, Democrats and Republicans, have a full and open opportunity to participate in that conference committee.

Concerns have been raised. I think the chairman of this committee is, quite frankly, as fairminded a person as I know. It is a real joy to serve with him. I have said it to him privately and I will say it to him publicly. But I have heard reports back from those who felt they did not have opportunity extended to them to actually offer amendments in committee that they felt they had been assured they would have a chance to offer. That is a matter of concern to me and I think it would be if the shoe were on the other foot.

Third subject, REAL ID. There was an amendment I alluded to offered by Senator DURBIN that passed the Senate. It passed the Senate 99 to 0. The amendment would have helped to compensate Federal employees who were called to active duty who were making more money as a Federal employee than they were after they had been activated to active duty. We passed by a

99-to-0 vote a provision that said we should make up the shortfall in those instances. That particular amendment that was passed by a 99-to-0 vote was left out of the conference report. I know other items were never considered by the Senate. A prime example of that is the controversial REAL ID proposal somehow did find its way into the legislation. As I recall, we never had a chance on the Senate floor to even discuss the REAL ID issue. It was not part of our supplemental bill. Yet when the final bill comes up, we are looking at 55 pages of new immigration law that this body has never debated and which was inserted at the behest of the House Republican leadership.

I have a serious concern about whether these immigration provisions make sense. I know some feel they do, but I have some real concerns. The REAL ID Act, for example, would repeal the driver's license standards framework we created last year in the Intelligence Reform Act, which is based on the recommendations made unanimously by the 9/11 Commission. In place of the 9/11 Commission framework, REAL ID would create an entirely new and expensive Federal standard for the issuance of driver's licenses but provide no funding to my State, Mississippi, South Carolina, or any other State, for that matter. As a former Governor, I believe such unfunded mandates should not be considered lightly.

Furthermore, I have heard from a number of constituents in my own State who are concerned that the bill would make it more difficult for those fleeing religious persecution to gain asylum, while allowing the Secretary of Homeland Security to waive all laws in order to build a fence along our borders.

In this post-9/11 world we know it is vital to ensure security not only along our borders but also within our Nation. However, instead of thoroughly considering homeland security and immigration reform measures, the House has hastily tacked on legislation that could have potential negative consequences for the Latino and other immigrant communities in my State and across our country. I think we should have had a proper debate to ensure that this legislation would actually protect our Nation and make us more secure.

The last thing I want to mention deals with Israel and the peace process there. I returned from that part of the world about 5 weeks ago, convinced there is an opening, a possibility, however difficult to achieve, that Israelis and Palestinians may find common ground; that the Palestinians finally have a chance to end up with a homeland of their own and to live side by side in a separate state, in a geographical area with the Israelis, who would have peaceful and secure borders and reasonable economic and diplomatic relations with their Arab neighbors.

I came back and called Secretary Rice and said, we ought to be putting as much energy and time and attention into trying to forge a final compromise, a final peaceful resolution, in Israel. To the extent we can do that between the Palestinians and the Israelis, we would probably do more to reduce the ability of terrorists to raise money, to reduce the ability of terrorists to recruit new terrorists, to reduce their ability to convince people in some kind of unholy jihad to go out and blow themselves up and kill a lot of innocent people.

If the United States can somehow emerge from a peace process in the Middle East and Israel and be seen as the honest broker in helping the Israelis and the Palestinians get to a fair and peaceful permanent resolution, we would do more to set back the terrorists and end the war on terrorism, to make us safer in this country, to make people safer in Israel, in Palestinian-controlled areas, to make people safer in Iraq and Afghanistan as well.

When I was in Israel, I had the opportunity to travel to Ramallah. During that trip, we were behind a flatbed truck. As that truck went from Israeli-controlled territory into the West Bank, it had to go through a checkpoint. At the checkpoint, literally everything on the flatbed truck had to be removed and moved on to another flatbed truck in order to make sure there was not contraband, explosives or something there that would represent an endangerment to other people.

One of the best ways to ensure that terrorists still have plenty of places from which to recruit new terrorists in that part of the world is to ensure that the rate of unemployment in Palestinian-controlled areas remains at about 50 percent. It is in our interest, it is in the interest of the Israelis, it certainly is in the interest of Palestinians who want peace and a better life, for us to help bring down the rate of unemployment.

The way to do that is not to have trucks go from one part of that area to stop at a checkpoint and offload on to a new truck. There has to be a free flow of people and a free flow of goods, a free flow of commerce in that part of the world in order to help get the Palestinian economy up and on its feet and to bring down unemployment.

My parents used to say to me, an idle mind is the devil's workshop. Well, people who do not have anything to do with their time are also prime for being recruited as terrorists. To the extent we can help bring down the unemployment rate in the Palestinian communities, we also bring down the likelihood they are going to be recruited to become terrorists.

In the bill that passed the Senate, there is a provision for some $200 million to support Palestinian political, economic, and security reforms. As we have gone through the process in conference, roughly the same amount of money has emerged, and it is not going directly to the Palestinian Authority. A portion of that, maybe $50 million, will end up going to the Government of Israel as they try to create high-security checkpoints which would allow that truck I talked about earlier to go through a high-tech security checkpoint and not have to be offloaded. It would enable people to move freely who are trying to get a job or going to a job from Palestinian areas to Israeli areas or vice versa, without being impeded from doing that, or having to spend hours trying to get through a checkpoint.

At the same time, we have the ability through the technology of today to stop the terrorists. People who are carrying contraband or explosives or stuff that will enable them to hurt other people can be stopped at these checkpoints. There is money in this bill that would enable the Israelis to help build terminals, checkpoints for folks to pass through, Palestinians or Israelis, for that matter, to reduce the likelihood of terrorist incidents that will grow out of that movement of people, and to better ensure that goods and services in commerce can move about freely. So that is a good thing.

There are some who will quarrel with whether the money should have gone directly to the Palestinian Authority or whether it is more appropriate to go through other organizations that we call NGOs. I am not going to get into that argument.

I say to my friend from Mississippi, we may have a chance later on—maybe in the Foreign Affairs appropriations bill or the foreign operations bill—to come back and revisit this issue and decide whether, given the reforms that are being made in the Palestinian Authority through reduced corruption, to tamp down on terrorism within organizations such as Hamas, we may have the opportunity to come back and decide whether to allocate some additional money later this year to strengthen the position of President Abbas and to reward positive behavior on his behalf and that of other Palestinians.

So those are points I wanted to make. I am going to recap them again very briefly. First, the concern as we go forward for us to take as an example the budgeting approach used by earlier administrations, Democrat and Republican, President Johnson, President Nixon, at least in terms of funding the Vietnam war. After the first emergency supplemental appropriation, fiscal year 1966, they said we are going to make part of our regular budget request moneys to support that war effort. Again, we ought to do the same thing now going forward.

Second, I call on our Republican friends to remember the Golden Rule, to treat other people the way we want to be treated. As we go forward in these conference committees, to the extent we treat people fairly from our side, some day when we are in the majority—and some day we will be—more

likely we will end up with a situation where the minority, in that case the Republicans, will be treated fairly, too.

On REAL ID, it will be interesting to see what the States come up with in response to these unfunded mandates. I don't like unfunded mandates. I never liked them as a Governor. I don't like it now. Whenever we in Washington figure out that we ought to tell the States and local governments how to spend the money, we don't provide the money. We tell them how to raise the money, or not raise the money, but we do not provide an offset. That is a slippery slope. I think we are on that slippery slope with respect to this REAL ID provision.

Finally, on the Palestinian peace initiative, I think it is important to promote investments in the Palestinian areas to get their economy moving again, and it is important we help fund security measures that enable the free flow of commerce, of people and goods in and out of the Palestinian areas so they can reduce their unemployment rates and reduce the threats of terrorism.

With that having been said, I am going to stop here. 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. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Mr. President, I want to speak as to how I am going to vote. Clearly, the necessity of funding for all of our troops requires a ''yes'' vote on this legislation. I gladly do that. I do want to express my concerns about this so-called REAL ID part that was put in in the dead of night, without the notification that was promised to the minority and without the informing of all the various Senators who were part of the conference committee. This is not the way we should be doing legislation. It ought to be in the full light of day. That is why they refer to making legislation is like making sausage—you don't know what all is in it.

With regard to this REAL ID Act, the concern that I have is that we are going to have an invasion of people's privacy without having carefully considered it through committee hearings and through full debate of the issue. For something that is as important to so many Americans as a driver's license, we are going to start on the road of the invasion of privacy. I do not think this is the way to establish what is, in effect, the first step for a national identification card. I don't think this is the way to do it, in the dead of night, by stealth and sleight of hand.

Second, I think Senators are going to get an earful if they are starting to get the rumblings that I am getting from constituents in my State. When most people find out they have to haul out a birth certificate when they go down to reestablish their driver's license, it is going to cause a great inconvenience, especially to the senior citizens of this country. I think Senators are going to get an earful.

Third, I am quite concerned about the implication that this is going to have on the rights and protections of minorities. Is this the beginning, portending certain discriminations because of minorities?

Obviously, this is a must-pass piece of legislation. It is funding the war effort. It is funding our troops. We are all going to vote for it, and we will pass it. But we should not have something that is so important to the privacy rights of Americans added to a bill like this in this secretive way.

I wanted my comments made very clearly on the record.

I yield the floor.

Mr. President, I have something else as long as we are in a holding pattern. What is the pleasure of the majority leader? Does he want to go on and call for the vote or does he want to have some more time before the vote, in which I will speak on another subject?

Mr. FRIST. Mr. President, I have not talked to the Democratic leader, but I think if we are about ready to vote, then what I might do is go ahead and do my statement in the interest of time, unless there is something just burning that the distinguished Senator from Florida has to say. I will go ahead and do my statement and then—if the Democratic leader is available?

Mr. NELSON of Florida. I will tell the Senator that I have something that is really burning because they are trying to drill for oil off the coast of Florida. But I am going to yield to the majority leader and to his wishes so he can expedite the process and the vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I apologize for Senators having to wait for me. I want to begin by saying I support this legislation. I commend the work of the managers of the bill, Senator COCHRAN and Senator BYRD. I understand how essential this bill is to our troops who are risking their lives and, of course, to the tsunami victims who are struggling to rebuild their lives.

The conference report, though, comes up short on two issues: Iraq and, of course, immigration—short of what the world rightly expects from the most free nation in the world, and short of what Americans should expect from their elected leaders is what is written all over this conference report.

Starting with Iraq, the Chairman of the Joint Chiefs of Staff recently said that the insurgency is as strong today as it was a year ago. The recent upsurge in violence and unrest in Iraq seems to bear out that remarkable and very troubling conclusion. Yet the administration acts as if the situation in Iraq is essentially under control and the remaining difficulties are Iraq's problems.

The unfortunate truth seems to be that more than 2 years after President Bush declared the end of major combat operations—remember ''mission accomplished''—Iraq has a limited capacity to defend itself or govern itself.

Even worse, the administration has no real plan to help Iraq acquire that capacity. As much as the President may want to dump Iraq's problems on the new Iraqi Government, his administration has a responsibility to our troops and the Iraqi people to help address these problems and to inform Congress how he plans to do so.

I would underscore that this supplemental appropriations bill should not have had to come before this body at this time. It should have been in our regular budget. This war is ongoing. There is no reason to do it in this way.

I have supported and the Senate passed an amendment crafted by Senators DURBIN, LEVIN, and KENNEDY requiring the administration to inform us of its efforts and plans for securing and stabilizing Iraq. Unfortunately, Republican conferees dropped the important amendment from the text of this bill.

As troubled as I am by the Republican majority's actions on Iraq, I am perhaps more disturbed by what they decided to do on immigration, and how they went about it.

Republicans tacked the so-called REAL ID immigration legislation onto this emergency supplemental that is to provide funding for our troops. REAL ID imposes dramatic new burdens on the States and substantially alters the immigration and asylum laws in ways that this Nation may soon come to regret the action taken by this body.

For the House to self-righteously say that on appropriations bills they will allow no authorizing legislation, people can always waive this REAL ID—this is the mother of all authorizing legislation on an appropriations bill.

This REAL ID Act makes reckless and unwise changes to our laws with respect to the environment, refugees, judicial review and, most of all, States rights. It is essentially anti-immigrant legislation couched in the language of antiterrorism. The Wall Street Journal, not the bastion of the so-called liberal press, said the changes made by REAL ID ''have long occupied the wish list of anti-immigration lawmakers and activists.'' That is the Wall Street Journal.

REAL ID will make it much more difficult for individuals fleeing persecution to seek asylum in the United States, will sharply reduce the ability of the Federal courts to rein in overzealous or ill-willed administration officials, and will give the Secretary of Homeland Security unprecedented authority to waive environmental and other laws.

REAL ID could compromise the privacy of American citizens, create long

lines at local DMVs, and make it harder for States and the Federal Government to keep track of who is in our country. In short, REAL ID may make us less rather than more safe.

As troubling as what the majority did on immigration is the way they went about it. Republicans tacked on REAL ID knowing full well immigration issues had nothing to do, as I have said before, with the underlying legislation and that REAL ID had never, ever been considered in the Senate, either in the Judiciary Committee, the committee of jurisdiction, I believe, or on the Senate floor.

Compounding matters, House and Senate Republican conferees went behind closed doors without Democrats and included a modified version of REAL ID.

What so troubles me is that the Republicans have the votes. They are in the majority. They had the majority in the conference. But they refused to have up-or-down votes so the public could see what they were doing. They had the ability to turn down every amendment we offered, but they were unwilling to do that.

They rejected a bipartisan plea to give REAL ID and other immigration issues the time and attention they deserved, and limited opportunities for opponents of REAL ID to offer motions to strike or change what they agreed to.

As a result of the Republicans' decision to incorporate REAL ID and their abuse of the process, most Democratic conferees either refused to sign the conference report or did so while taking strong exception to the REAL ID provision.

I am also disappointed about the White House's role in this matter. For years now, the administration has been talking about the need to reform immigration laws. Remember the big trip President Bush made, when he was first elected, to meet with President Fox in Mexico? They have been talking about the need for reform, so law-abiding, hard-working immigrants can find work in this country, help our economy grow, and support their families here and back, mostly, in Mexico. Since this legislation will hurt hundreds of thousands of the very people the administration professes to be concerned about, I would have expected the President to oppose it. Unfortunately, he chose not to do so.

The best thing we could do for our security would be to enact comprehensive and effective immigration reform so we can gain control once again over our borders and focus our limited resources on terrorists and criminals.

Senator FRIST has indicated he is willing to set aside time for a separate debate about immigration later this year, and I know he will follow through on that. That is what he said he would do. The Senate and the American people deserve time to consider this issue and time to revisit many of this legislation's most problematic provisions.

Finally, I think our ability to succeed in Iraq should have received much greater attention in this bill, and immigration should have been dealt with more thoughtfully and thoroughly in a subsequent legislative vehicle. Our troops and taxpayers are expecting solutions and leadership from the President and the Congress. The world is expecting this Nation to live up to some of the lofty immigration rhetoric espoused by the administration early on. I regret the majority acted in this fashion. I look forward to opportunities to revisit these unwise decisions.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, in a few minutes we will vote on the President's war and tsunami supplemental request. I take this opportunity to thank Chairman THAD COCHRAN, as well as Senator BYRD, for their leadership on behalf of our men and women in uniform. This is one of the first major appropriations for Senator COCHRAN under his chairmanship of the full committee, and I do congratulate him for a job superbly done. I also thank Senator STEVENS and Senator INOUYE. I am confident we have a bill that will shortly be overwhelmingly supported on both sides of the aisle.

The legislation before us is absolutely critical to winning the war on terror. It provides $75.9 billion in support of our troops who are out in the field in Iraq and Afghanistan courageously hunting down the enemy, helping rebuild these countries, and spreading freedom and democracy.

We are indebted to our soldiers, and this legislation reflects our deep commitment to their readiness, to their safety, to their families' well-being.

This weekend, U.S. troops launched a major counterinsurgency offensive in western Iraq near the Syrian border. This region has become an infamous smuggling route and sanctuary for foreign jihadists. So far, our troops have killed over 100 of the terrorists, and they continue to press the enemy back.

Meanwhile, this weekend, our military announced the capture of a top Zarqawi associate, Amar Zubaydi. He was apprehended in a raid on his home last Thursday. Zubaydi is an extremely dangerous man. He is believed responsible for multiple car bombings across Baghdad, as well as the attack on the Abu Ghraib prison last month which wounded 44 U.S. troops and 13 detainees. Authorities also discovered he was planning the assassination of a top Iraqi Government official.

The good news is he is now in custody where he can no longer wreak his havoc. Military sources tell us Zubaydi's capture has provided invaluable insights into the Zarqawi wing of the al-Qaida network.

This arrest, along with the capture of Ghassan Amin in late April and Abu Farraj al-Libbi in Pakistan last week, further tightens the noose. Indeed, we intercepted a note by one of their colleagues complaining of the group's low morale.

Osama bin Laden and al-Zarqawi will be brought to justice, just as Saddam and his henchmen now sit in prison. Our brave men and women in uniform and their colleagues across the U.S. Government are risking their lives and working hard every day to bring that moment ever closer.

I urge my fellow Senators to pass the supplemental swiftly so we can get this support to our military men and women in the field—and also, I should add, to the victims of the December tsunami tragedy. The war supplemental includes nearly $880 million in relief funds to help people in countries devastated by that deadly wave.

Furthermore, it includes nearly $630 million to increase security at our borders by hiring 500 new border agents and tightening our driver's license ID requirements.

America is leading the war on terror, and we are making great progress. As this supplemental appropriations demonstrates, we are a strong Nation, and we are a compassionate Nation.

I look forward to an overwhelmingly bipartisan vote on this critical legislation in a few moments. Our troops and our fellow citizens are depending on it.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. Mr. President, we yield back the time on our side.

Mr. CONRAD. Mr. President, I yield back our time as well.

The PRESIDING OFFICER. All time has expired.

The question is on adoption of the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—100

Akaka	Dayton	Lautenberg
Alexander	DeMint	Leahy
Allard	DeWine	Levin
Allen	Dodd	Lieberman
Baucus	Dole	Lincoln
Bayh	Domenici	Lott
Bennett	Dorgan	Lugar
Biden	Durbin	Martinez
Bingaman	Ensign	McCain
Bond	Enzi	McConnell
Boxer	Feingold	Mikulski
Brownback	Feinstein	Murkowski
Bunning	Frist	Murray
Burns	Graham	Nelson (FL)
Burr	Grassley	Nelson (NE)
Byrd	Gregg	Obama
Cantwell	Hagel	Pryor
Carper	Harkin	Reed
Chafee	Hatch	Reid
Chambliss	Hutchison	Roberts
Clinton	Inhofe	Rockefeller
Coburn	Inouye	Salazar
Cochran	Isakson	Santorum
Coleman	Jeffords	Sarbanes
Collins	Johnson	Schumer
Conrad	Kennedy	Sessions
Cornyn	Kerry	Shelby
Corzine	Kohl	Smith
Craig	Kyl	Snowe
Crapo	Landrieu	Specter

Stabenow	Thomas	Warner
Stevens	Thune	Wyden
Sununu	Vitter	
Talent	Voinovich	

The conference report was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

CORRECTING THE ENROLLMENT OF H.R. 1268

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 31, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) to correct the enrollment of H.R. 1268.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

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

The concurrent resolution (S. Con. Res. 31) was agreed to, as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 1268, an Act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, the Clerk of the House of Representatives is hereby authorized and directed to correct section 502 of title V of division B so that clause (ii) of section 106(d)(2)(B) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by such section 502, reads as follows:

''(ii) MAXIMUM.—The total number of visas made available under paragraph (1) from unused visas from the fiscal years 2001 through 2004 may not exceed 50,000.''.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Pending:

Inhofe amendment No. 605, to provide a complete substitute.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SARBANES. Will the Senator yield?

Mr. SHELBY. I yield to my colleague from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent that I be permitted to follow the Senator from Alabama, after he completes his statement.

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

Mr. SHELBY. Mr. President, I rise tonight to speak in support of the Federal Public Transportation Act of 2005. We know it as the Transportation bill. This bill was marked up in the committee on Banking, Housing, and Urban Affairs on March 17 and reported out with a unanimous vote.

I am proud of this legislation which was crafted on a bipartisan basis with cooperation from the distinguished Senator from Maryland, Mr. SARBANES, the committee's ranking member and former chairman.

The Federal Public Transportation Act of 2005 provides record growth for public transportation. The funding authorized in this bill will provide for significant improvements to and expansion of the Nation's transportation infrastructure. I am pleased to be working with my colleagues, Chairman INHOFE from the Environment and Public Works Committee, and Chairman STEVENS from the Commerce, Science and Transportation Committee.

I want to thank my friends from the Finance Committee, Senators GRASSLEY and BAUCUS, for working so diligently to identify additional money for public transportation. Thanks to their efforts the Banking Committee's transit title provides record growth for transportation, $53.8 billion overhis is an increase in the share of transit funding over TEA–21 and I am confident that this money will be helpful in meeting surface transportation needs across the country.

Public transportation services are often the only form of transportation available to many citizens. These services provide mobility to the millions of Americans who cannot, for various reasons, use an automobile. More than 80 million Americans cannot drive or do not have access to a car.

Further, senior citizens are the fastest growing segment of the U.S. population. Many of them require access to public transportation in order to maintain their independence and to access vital healthcare services.

Today, the American public transportation industry consists of nearly 6,000 transit systems in both urban and rural areas. These transportation agencies operate a diverse array of vehicles, including subways, buses, light rail, commuter railroads, ferries, vans, cable cars, aerial tramways, and taxis.

According to the Texas Transportation Institute's 2005 Urban Mobility Report, congestion costs over $63 billion, more than 3.7 billion hours of delay and 2.3 billion gallons of excess fuel annually. The average driver loses more than a week of work each year sitting in gridlock. The same report finds that without public transportation, there would be 1 billion more hours of delay. The report also finds that public transportation reduces the cost of congestion by about $20 billion per year.

Public transportation investments help create employment and sustain economic health. The Department of Transportation has estimated that for every $1 billion in Federal highway and transit investment, 47,500 jobs are created or sustained.

The Transportation Equity Act for the 21st Century, TEA–21, expired on September 30, 2003, and has temporarily been extended through May 31, 2005. The delay in providing a long-term authorization has had a significant impact on State and local governments which have been unable to develop long-term programs for funding. Public transportation represents an important part of the Nation's transportation infrastructure, which by its nature, requires long-term planning and project development. Delays in funding have resulted in project delays which ultimately increase costs and postpone the benefits which projects are designed to produce. The impact is particularly significant in States with short construction seasons since planning must be done well in advance of contracting for construction. Therefore, the committee has responded and taken action to reauthorize the public transportation title of TEA–21 in order to continue the Federal Government's critical role in public transit programs.

This bill accomplishes three important policy goals. It creates funding flexibility, increases accountability, and improves the performance and efficiency of the transit programs in the United States.

The bill creates several new formulas to better address growing transit needs. A ''rural low density'' formula is created to allow for transit services in sparsely populated areas where employment centers and health care are great distances apart. A ''growing states'' formula is created to allow communities with populations projected to grow significantly in the coming years to put in place needed transportation infrastructure. A ''transit intensive cities'' formula is created to address the needs of small communities where the level of transit service exceeds what their population-based formula would provide for. Finally, our bill also creates a ''high density'' formula to provide additional funding for States with transit needs that are particularly great because they have transit systems in extremely urban areas with high utilization rates.

The bill increases the accountability within the transit program. It rewards transit agencies which deliver projects that are on time, on budget, and provide the benefits that they promised. Further, this bill allows communities to consider more cost-effective, flexible solutions to their transportation needs by opening up eligibility within the New Starts program to non-fixed guideway projects seeking less than $75 million in New Starts funds. With this change, other solutions can be fostered, such as bus rapid transit, which is more flexible than rail at a fraction of the cost.

Finally, the bill seeks to improve the performance and efficiency of transit

systems nationwide. It provides incentives for the coordination of human service transportation activities in order to eliminate duplication and overlap. It increases the focus on safety and security needs within transit systems to help insulate them against terrorist attacks. It also enhances the role of the private sector in providing public transportation in an effort to reduce cost and to improve service.

The Federal Public Transportation Act is very good legislation. The funding made available by this bill and the policy initiatives contained in the bill will dramatically improve the public transportation program to help Americans with their mobility needs in both urban and rural areas nationwide.

I commend this bill to the Senate and ask my colleagues for their support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise to join my able and distinguished colleague from Alabama, the chairman of the Senate Banking, Housing, and Urban Affairs Committee, in strong support of the Federal Public Transportation Act of 2005, which has been incorporated into the pending amendment which was offered yesterday by Senator INHOFE, the chairman of the Environment and Public Works Committee.

The Federal Public Transportation Act was reported out by the Banking Committee earlier this year, and, I might add, by a unanimous voice vote. Moreover, although the funding level provided in this bill is lower than in the one we passed last year, the program structure and policy decisions reflected in this bill are almost identical to those included in S. 1072, the Safe, Accountable, Flexible, and Efficient Transportation Act, SAFETEA, which passed the Senate last year with overwhelming bipartisan support.

At the very outset, I express my appreciation to Chairman SHELBY who worked tirelessly on the development of this legislation last year, reaching across the aisle in a cooperative manner to develop a transit bill that will begin to address the urgent needs faced by communities all across the country.

I also want to acknowledge the leadership of the Environment and Public Works Committee, Chairman INHOFE and Ranking Member JEFFORDS; and the Finance Committee Chairman GRASSLEY and Ranking Member BAUCUS, for their efforts to move this very important bill forward.

As has already been observed in this debate, SAFETEA did not emerge from conference last year, regrettably, due in large part to the unwillingness of the administration to support the kind of significant investment needed to meet our pressing transit and highway needs. As a result, we have had to pass six short-term extensions of the previous transportation legislation, TEA–21. The uncertainty inherent in these short-term extensions hinders our State and local partners in their efforts to meet the daily challenges of maintaining our transportation infrastructure and planning for improvements.

I want to express my appreciation to a number of colleagues who worked to provide additional resources for transportation beyond what was reported out by the various committees earlier this year. A higher level of investment is essential if we are to keep up with the increasing demand along our entire transportation network.

I want to say a few words about the transit title, which was supported by every member of the Banking Committee. Over the last several years, the Banking Committee and its Housing and Transportation Subcommittee, under the leadership first of Senator REED of Rhode Island and then more recently of Senator ALLARD of Colorado, has held a series of hearings on the Federal transit program and its contribution to reducing congestion, strengthening our national economy, and improving our quality of life.

Over the course of those hearings, we heard testimony from dozens of witnesses, including Secretary of Transportation Norman Mineta, Federal Transit Administrator Jenna Dorn, representatives of transit agencies from around the country, mayors, business and labor leaders, environmentalists, economic development experts, and transit riders themselves. Virtually all of the witnesses agreed that the investment that had been made under TEA–21 contributed to a renaissance for transit in this country. In fact, transit ridership is up 23 percent since 1995, and is still increasing, even faster than the growth in highway use.

Transit plays a critical role in our efforts to combat congestion. My able colleague, the Chairman of the Committee, Senator SHELBY, made reference to a study released just this week by the Texas Transportation Institute, talking about the tremendous cost to the Nation in lost time and wasted fuel because of congestion—people simply stuck in traffic.

We heard testimony at our hearings about many other important benefits of transit as well. For example, the U.S. Chamber of Commerce testified that $1 billion of capital investment in transit creates almost 50,000 jobs. Moreover, the economic development benefits of transit are becoming more and more apparent as new systems come into service. For example, we heard testimony from one of the county commissioners in Dallas that over $1 billion had been invested in private development along Dallas's existing and future light rail lines, raising nearby property values and supporting thousands of jobs.

We heard from a representative of BellSouth that his company had decided to relocate almost 10,000 employees from scattered sites in suburban Atlanta to three downtown buildings near the MARTA rail stations because, as he put it, transit ''saves employees time. It saves employees money. It saves wear and tear on the employees' spirit.''

Transit benefits the economy in other ways as well. For example, transit investments in one community can have repercussions in many areas around the country. The president of the American Public Transportation Association, Bill Millar, who has testified before the Senate on a number of occasions, pointed out that when one locality builds a rail system or develops its bus system, the manufacturing or the assembly of those rail cars and buses may well be done in a different jurisdiction. So one has to keep in mind when considering the economic benefits of transit, it is not only the area that is upgrading its transit system that benefits. That area will invariably spend its money on a whole range of supplies and services which are produced elsewhere in the country. As Mr. Millar said:

> While the Federal money would appear to be going one place, the impact of that money tends to go very far and wide.

Of course, transit is about more than our economic life. It is also about our quality of life. During our hearings, we heard a great deal about the importance of transit to our senior citizens, our young people, the disabled, and others who rely on transit for their daily mobility needs. Several of our witnesses observed that the increased investment in transit and paratransit services under the previous bill provided the crucial link between home and a job, school, or a doctor's office, for millions of people who otherwise might not have been able to participate fully in the life of their community. Further, we saw after 9/11 how transit can be an important lifeline in other respects, as well. We had very moving testimony during our hearings about the efforts made by transit operators on that day to move tens of thousands of people quickly and safely out of our city centers.

As a result of transit's many benefits, the demand for transit is continuing to increase all across the Nation. Small towns, rural areas, suburban jurisdictions, and large cities, are all struggling to keep up with the need to provide safe and reliable transit service for their citizens. The Department of Transportation has estimated that very significant sums will be needed to maintain the condition and performance of transit systems across the country.

The transit title authorizes $53.8 billion in transit investment. I am frank to say I believe that the transit needs of the nation would justify even more, but I am pleased to say that under this bill transit will see a significant increase in funding over TEA–21. A strong transit program is essential to our efforts to improve our citizens' mobility and strengthen our national economy.

I want to take just a moment or two to highlight some of the most important features of the amendment before us with respect to transit.

The amendment provides for growth in both the urban and rural formula program, with added emphasis placed on the rural program. The committee was sensitive to the needs of the rural areas of our country, and the rural program will see significant growth in order to help States with large rural areas provide the services their residents need.

The bill also provides increased funding in the Fixed Guideway Modernization Program. This funding is very important to helping cities with older rail systems, which in some cases were built almost a century ago, make the investments needed to preserve those highly successful systems, which literally move millions of people every working day.

The New Starts program, which helps communities make their first major investment in transit as well as expand existing systems, also grows under this bill. The New Starts program will enable communities to address their mobility and development needs with transit investment and to gain the benefits of transit that exist elsewhere in the country.

Furthermore, the amendment maintains the existing 80 percent Federal match on new starts transit projects, and thus continues the parity that has existed between the local match requirement for highway and transit projects. This is a very important factor in ensuring that the investment decision at the local level is not weighted in one direction or the other because of a more favorable local match requirement. Mayor McCory of Charlotte, NC, made this point in one of our hearings when he observed that:

> There's a strong need to keep the program 80–20, as we do for other forms of transportation, including roads. That does send a strong message that transit is as important as our road network.

The bill makes a significant change in the new starts program by allowing new starts funding to be used for the first time to fund transit projects that do not operate along a fixed guideway, as long as the project is seeking less than $75 million in Federal funds. There are only a few examples of such projects currently operating in the Nation, and I hope to work with the Federal Transit Administration to ensure that the FTA develops an appropriate quantitative methodology for evaluating the costs and benefits of such projects, particularly as they relate to land use and economic development impacts.

As we begin to experiment with different forms of transit service, we must be careful not to adversely impact FTA's highly competitive and successful process for moving projects through the New Starts Program.

While the bill preserves the general structure of TEA–21, several new formulas are included to target transit funds more directly to those States and cities with extraordinary transportation needs. The bill includes a new growth and density formula. The growth portion will distribute funds to all States based on their expected future population, and the density portion will provide funding to those States whose populations are above a certain density threshold.

The bill also includes an incentive tier to reward small transit-intensive cities, those cities with a population between 50,000 and 200,000 which provide higher than average amounts of transit service. The funds distributed under these new formulas will help communities address their unique transportation needs.

The bill includes a requirement that metropolitan planning organizations development a public participation plan to ensure that public transportation employees, affected community members, users of public transportation, freight shippers, private sector providers—all the interested parties concerned about the transportation infrastructure—have an opportunity to participate in the transportation plan approval process.

Transportation investments are among the most important decisions made at the local level. I firmly believe all interested parties should have an opportunity to contribute to this process. Our transportation infrastructure is central to making our economy and, indeed, our society work day to day. That is why this is such a critical and important piece of legislation.

Finally, I am pleased that the legislation includes a new Transit in Parks Program to help national parks and other public lands find alternative transportation solutions to the traffic problems they are now facing. This is a program the administration supports. It has very strong bipartisan support in the Senate. It is an effort to address the problem of overcrowding that has come with increased visitation to our national parks and other public lands. In some cases people must wait in long lines to get into a national park, or they get to the entrance and find they are turned back because the park's roads and parking lots are at capacity.

TEA–21 required the Department of Transportation to conduct a study of alternative transportation needs in our national parks and other public lands, and that study confirmed that the parks are ready and willing to develop transit alternatives. This legislation will help the parks make investments in traditional public transit, such as shuttle buses or trolleys, or other types of public transportation appropriate to the park setting, such as waterborne transportation or bicycle and pedestrian facilities.

In closing, let me note that there are a number of other provisions in the legislation that modify previous aspects of the transit programs, but for the most part the committee's intention was not to enact major changes to a program that has worked well.

The committee put a great deal of effort into developing a package that would recognize the various types of transit needs across the Nation. Of course, as with any program with limited resources, no one gets as much as they would like. But given the framework within which the committee had to work, I think we have responded fairly and rationally to the needs that have been expressed to us. All in all, I think this is a balanced package, which I am pleased to commend to my colleagues.

This bill provides essential support to our local and State partners in their efforts to combat congestion and pollution and to ensure that their citizens can access safe and reliable transit services. It is no exaggeration to say this is essential legislation for the future strength and vitality of our economy and of our society, and I urge my colleagues to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Mr. President, reserving the right to object, and I will not object, I would like to have the Senator add to his unanimous consent request that following his remarks we return to the bill H.R. 3, as amended, for consideration of amendments.

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

(The remarks of Mr. STEVENS are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to discuss a transportation bill that has been several years and several congressional sessions in the making. For a very long time now, Senator BAUCUS and I have worked with the various authorizing committees to prudently fund the highway and transit programs. Of course, this has not been an easy process. But last year, we found a way to fund the programs in a way that enabled every State of the Union to bring home more money for needed transportation, particularly for highways. Let me repeat that because it is important. Every Member of the Senate, including those who complained about our funding mechanism, did better under our plan last year.

This year we face a different set of challenges. There are conflicts that arose in last year's conference that are still with us. The conflicts spring from three principles that have proven very difficult to reconcile. I will lay out those conflicts.

The first principle is to get a highway bill that is an improvement over current policy. That is where overwhelming majorities are in both the

House and the Senate. We need adequate funding for our transportation infrastructure. We need to do our best to meet the job, economic development, and transportation needs of the country. The authorizers say improved policy requires more trust fund money.

The second principle from conference is deficit reduction. President Bush has rightly put deficit reduction as a key objective in general and applied it to the highway program in particular. Toward that end, the administration has pegged spending at $284 billion in spending over the applicable period.

In conference, the House brought forward a third principle. They made it clear that they would not accept the use of general fund offsets to prevent deficit increases because of the highway bill.

Over the last several years it has been frustrating to see some Members advance all these principles without acknowledging the inherent conflict. They say: Senator GRASSLEY, we need more money for my State for roads or transit. At the same time, these same Members would say: Senator GRASSLEY, why are you paying for it in this way or that way?

So to any complainers, I issue the challenge that I issued last year: If you complain about the additional money that the Finance Committee has found for your State, explain to me how you would do it differently. Would you forgo that money for your State? If you have an alternative, explain to me how you would find the votes for your method of financing. I issued that challenge last year, and somehow I didn't get any takers. I expect complaints again this year despite the smaller numbers involved and don't expect anyone to take me up on the challenge.

Whether folks want to admit it, as we begin floor debate and conference on this bill, it will become increasingly apparent that these three principles conflict. As one who has tried and continues to try to enact a highway bill into law, I have worked very hard to grow trust fund revenues in a way that doesn't increase the deficit or require general fund offsets. While we were able to devise a floor amendment that grows the trust fund without increasing the deficit, we were not able to do so without the use of any general fund offsets. We did get 40 percent of the way there using additional fuel fraud compliance measures. We are filling in most of the $5 billion gap with a small version of the refund proposal which the administration included in its fiscal year 2006 budget.

Finance Committee investigations reveal that many of the refunds are based in fraud, and these steps will contribute to our efforts to close the tax gap. A very small amount of that gap is also bridged by changes to gas guzzler tax administration. We are still awaiting progress on additional fuel fraud measures and loophole closures and plan to fill in the $5 billion gap in conference. In the meantime, we are using other general fund offsets to do that.

Almost none of these general fund offsets are new, as nearly all were included in the Senate-passed JOBS bill last year. Two notable provisions have been added. One of those provisions is intended to improve the administration of the Internal Revenue Service's offer-in-compromise program. The second involves a leasing tax shelter abuse in the transportation sector that we refer to by the acronym SILOs. These were the schemes that allowed big corporations to claim tax deductions for bridges, pipelines, and subways that are paid for with taxpayer dollars but with no risk for the leasing company.

Congress passed the JOBS bill last fall and outlawed these SILOs but not without concessions to the interests of shelter promoters. Under that bill, SILO shelter promoters got more than a year to get their deals-in-process approved by the Department of Transportation. And, of course, I believe that is an outrage. We exerted great effort in Congress to shut down this abuse, but the transition relief in the JOBS bill is a sop to shelter promoters and an insult to American taxpayers. This amendment will end that abuse now, not a year from now.

In committee, we marked up in alignment with the President's $284 billion figure. That was the deal the authorizing committees and this committee made with Leader FRIST to get the bill to the floor. In our Finance Committee markup, I indicated my intent to work on the floor with Senator BAUCUS, the Senate leadership, and authorizers to grow the trust fund revenues in a manner that does not negatively impact the deficit. I believe we have incorporated a Finance Committee amendment that does just that.

I also understand and agree with the House position that we should not mix general fund offsets and trust fund resources. To that end, I want the Senate to know that I commit to working further so that no general fund offsets are required to maintain a sufficient trust fund for the conference agreement.

At the markup, I also asked and I continue to ask the administration to shift its focus away from the top-line $284 billion number and toward the principle of deficit reduction. The bill before the Senate, including our recently added amendment to grow trust fund receipts, is paid for in its entirety principally by cracking down abuse and closing loopholes. In fact, this bill, as currently drafted, actually contributes positively and substantially towards deficit reduction.

I reemphasize that an exclusive focus on the top-line spending number viewed outside of a deficit reduction context will only lead to a repeat of last fall's conference gridlock. Gridlock in conference won't resolve the gridlock on our Nation's highways. So I ask all the key players at each end of Pennsylvania Avenue to focus on main street and work toward a fiscally responsible highway bill.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I wish to make one comment. We are on the bill, and I compliment Senators GRASSLEY and BAUCUS for the great work they have done. We have put together a good bill, and it is necessary to go out to the proper committee, the Finance Committee, to see what we can do to enhance this bill and make it a little bit more robust. They have done a great job, and I compliment them on that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am very pleased to join in offering the substitute amendment to this bill. This bill is called SAFETEA. It culminates many months of hard work. I commend the chairman, Chairman INHOFE, and Senator BOND, chairman of the transportation subcommittee, and especially the chairman and ranking member of the full committee, Senator GRASSLEY and Senator JEFFORDS, for their hard work.

I especially thank my good friend, Senator GRASSLEY. He is a good man. He is good to work with. He is pragmatic, practical, he cares, he wants good solutions, and he wants to advance the ball. The people of Iowa are very lucky to have him as their Senator. Senator HARKIN is another great Senator from Iowa, but I particularly enjoy working with Senator GRASSLEY. We have a strong working relationship and it means a lot to me personally.

This legislation is critical for Montana and also for the country as a whole. I cannot think of any other legislation that would have such a substantial effect on our Nation's economy. The current transportation program expired in September 2003. Since then, regrettably, Congress has had to enact extensions. We could not come up with a solid 6-year bill. We have had six extensions to the highway program—the most extensions in the history of the program.

Frankly, in addition to all of the substantive good provisions of the bill, it is very important to enact a full 5-year bill rather than going down the road with more and more extensions. The current extension expires at the end of this month, about 3 weeks from now. If we fail to meet the deadline, the program lapses and States will no longer receive their funds. We should not let that happen. We can and should do our work right away. We have already seen an entire construction season go by without a long-term bill. In Montana, we have a very short construction season. Winter weather prevents us from working on our roads all year long. We cannot afford any more delays.

Because Congress has not acted, States are letting fewer bids; it is that simple. Because Congress has not acted, contractors, suppliers, and other construction businesses have less business. Transportation projects are very complex. Any bumps along the way only compound them over time.

Another extension is not a solution. We need to act; we need to act right away. We should act on this bill and head to conference. By approving the substitute amendment and adding funding to the bill, we can speed the process to complete the conference.

While I supported reporting this bill out of the Environment and Public Works Committee because of a commitment made by others to the Republican leader, it was with the firm understanding I would offer an amendment to make substantial improvements to this bill, working in conjunction with other Senators.

That is why we are here today offering this important amendment, which is part of the underlying bill, to increase the authorization and spending levels in this bill.

Chairman GRASSLEY and I have been working for 3 years to develop the financing for the Transportation bill. It is not a simple task. I am pleased to say the chairman and I have proposed a package that does several things.

First, we shore up the highway trust fund to ensure solvency during the life of this bill by providing over $7 billion in additional receipts during the authorization period.

Second, using these receipts, we increase investments in this Nation's infrastructure by $8.9 billion for the highway program and $2.3 billion for the transit program.

Third, we fully pay for the additional highway spending in this amendment. Repeating that, we fully pay for highway spending in this amendment. We do so in a responsible manner.

Let me take a couple moments to comment on the misperceptions and, frankly, outright distortions that I have heard about this amendment.

First, we do not raise gas taxes in this amendment. I will repeat that. We do not raise gasoline taxes.

We can increase resources to the highway trust fund without raising taxes. It is that simple. Don't be fooled by the hysteria of some who flatout oppose more funding for transportation and will say almost anything to defeat our efforts.

I have also heard people say this amendment transfers general fund money to the highway trust fund. That, too, mischaracterizes our proposal.

The other day, Secretary of Transportation Mineta made a very interesting statement. When he described our amendment to raise the investment in transportation, he said: ''There is a dark cloud looming on the horizon.''

But when his own Department estimated the unmet transportation needs in this country, the Transportation Department said there are more than $325 billion in unmet needs. That figure grows each and every day that we forego maintenance of the transportation system.

This amendment is no dark cloud. Rather, adopting this amendment will part the clouds that others have created over this bill and allow the sun to shine on this bill.

Let me lay out the facts.

The President's 2006 budget submission increased the funding proposed for this bill. While I believe that those levels are still artificially low, I want to acknowledge that effort.

Two efforts by the Finance Committee made possible the President's increased funding in its February budget. The administration's reliance on these developments then makes its criticism of this amendment now ring hollow.

The first reason the President was able to increase his highway funding request was the Finance Committee's work last year on fuel fraud and the ethanol credit.

The President's budget proposal depends on the increased dollars from the fuel fraud provisions and the volumetric ethanol credit that Congress enacted as part of the JOBS Act last year.

Over the years, the Senate spent many hours debating the merits of ethanol incentives. I believe the incentives are good agricultural policy and good energy policy.

But whether you favor the incentives or not, last year, Congress broadly agreed that the highway trust fund should not bear the burden of that subsidy. The volumetric ethanol tax credit in the JOBS bill eliminated that problem, and we do so here again today.

The Finance Committee also developed proposals to reduce fuel tax evasion. We tightened the rules for fuel transfers and increased penalties for noncompliance with the tax laws.

When Senator GRASSLEY and I first introduced the ethanol changes and fuel fraud provisions, we heard some of the same comments and criticisms we hear today.

Yet enactment of these provisions has added more than $17 billion to the highway trust fund for the years 2005 through 2009. The President and the House could not have funded their current $284 billion proposals without those dollars.

Second, the President's 2006 budget submission also included what some call ''the refund proposal.'' This provision relates to the amount currently refunded to States, cities, and schools that are exempt from paying the Federal gas tax.

States, cities, and schools do not pay the Federal fuel tax. They are exempt. That is appropriate. They should be. Right now, when a State, city, or school fills its vehicle with taxed fuel, the organization is entitled to get a refund of the Federal excise tax. They get that refund.

Currently, the general fund pays that refund. Then the highway trust fund repays the general fund. That doesn't make sense.

All we are saying in this amendment is that the highway trust fund should not have to reimburse the general fund for the amount of the refund. It is that simple. Those are vehicles traveling on the highways. We do not raise taxes on State and local governments, not one penny.

Vehicles used by State and local governments still cause the same wear and tear on our roads as vehicles owned by entities that pay Federal gas taxes. So the highway trust fund should not have to bear the burden of the exemption.

Some in the administration, and others, call this an ''accounting gimmick.'' That is flatly not the case. The administration uses the same refund mechanism to pay for the President's Transportation bill.

If it was not an ''accounting gimmick'' in February, when the President submitted his budget, then it is not an ''accounting gimmick'' for Congress to use the same mechanism now. It is not a gimmick anyway.

In addition to the elements contained in the President's budget, let me briefly describe the other provisions that increase receipts in the highway trust fund.

The amendment will increase collections of present-law fuel taxes. The amendment will improve tax compliance with respect to blend stocks used in gasoline.

The proposal prevents the blending of untaxed chemicals with gasoline by imposing the Federal excise tax when blendstocks are removed from the bulk system.

We make sure that kerosene used on the highways is taxed as diesel fuel, and we improve the rules for tax-free fuel purchases by requiring appropriate certification that an entity is exempt from the fuel taxes.

The amendment also dedicates the gas-guzzler tax to the highway trust fund. Today this transportation excise tax goes to the general fund. That does not make any sense. It belongs in the highway trust fund. After all, these are vehicles that travel on the highways. It belongs in the highway trust fund with the rest of the Federal excise taxes that are imposed on vehicles and fuels. This proposal does not take current dollars out of the general fund, but when the guzzler tax is paid in the future, it will go to the highway trust fund.

The amendment maintains the integrity of the highway trust fund. The highway program will be paid entirely by transportation excise taxes to the highway trust fund. But because more transportation taxes will now rightfully go to the highway trust fund, there will be a gap to fill in the general fund.

We make the general fund whole by including revenue-raisers that are not related to highways. These are good policy loophole closers. Everybody would want to vote for these regardless, just standing alone. They are the sort of provisions the Senate has passed before.

All in all, it is a win-win situation. This bill pays for highways legitimately and replenishes the general fund legitimately.

On April 27, the majority leader stood on the Senate floor and said this about the Transportation bill:

I am confident by working together we can get this done, and we can demonstrate reasonable fiscal restraint.

At the Finance Committee markup, I made that same statement that we would be responsible in this new funding amendment. We have done that. We have been responsible.

I commend my colleagues who voted for the Talent-Wyden amendment to this year's budget resolution. That amendment firmly stated that new receipts to the highway trust fund should be available and spent in this bill. Eighty-one of us supported that amendment. That is an overwhelming majority of the Senate supporting additional transportation funding in this bill, all paid for.

Mr. President, I say to my colleagues, this amendment provides the funding they voted for in the budget resolution. Each of the 81 Senators who supported the budget resolution amendment should support this new money.

Why are we working so hard to increase the funding in this bill? Let me explain why we have not just given in and gone along.

Every billion dollars in infrastructure investment creates nearly 47,500 jobs—every billion dollars. That is important. Over the life of the bill, we will sustain more than 2 million good-paying jobs.

Highway jobs are jobs that stay in the United States. You cannot export highway jobs. You cannot outsource highway jobs. They are not shipped overseas. This bill will affect all Americans whether they build the road or drive on the road.

Our economy could sure use a boost, and one certain way is to produce jobs through this bill. It is a jobs bill.

This bill is an economic engine for my State of Montana. The last Transportation bill, TEA–21, provided more than $1.2 billion in my State and helped sustain more than 11,000 jobs. With the increased funding in this substitute amendment, Montana and every other State in the country will receive a much needed increase in economic growth and development, all paid for.

This amendment will also allow us to make some modest changes to the formulas in the SAFETEA bill. We made changes for both donor and donee States. For the donee States, we have increased the guaranteed funding from 110 percent of TEA–21 levels up to 115 percent each year of the bill—each and every year. From a 110-percent increase to a 115-percent increase—that is for the donee States.

For the donor States, we have provided funding to bring every donor State to 91 cents on the dollar beginning in 2006, with an additional guarantee of 92 cents in 2009.

I know this is not what everybody wanted, but we have limited funds. We cannot do everything for everyone. I hope that as this debate continues, my colleagues will understand the very difficult task of drafting a national formula. We must work together. Prior transportation bills have never been partisan fights. It is very important. There is no such thing as a Republican road or a Democratic road; they are American roads.

I remember fondly working with Senator Daniel Patrick Moynihan on ISTEA in 1991. We had good debates on the future of transportation policy. He had such vision, and ISTEA reflected that vision.

In 1998, I worked closely with two dear friends developing TEA–21—the late Senator John Chafee of Rhode Island and Senator JOHN WARNER of Virginia. We worked side by side through many long nights and hours of discussions. Each of us brought a different perspective to the table. I represented the needs of rural and Western and Midwestern States, Senator Chafee represented the Northeastern States, and Senator WARNER represented the donor States, generally Southern States. Each of us recognized that with a national transportation program, we had to balance the needs of each constituency. I believe we put together a good product in TEA–21. Was it perfect? Of course not, but it moved our country forward. Did I get everything I wanted for my State? No. We did not get to write legislation in a vacuum. We had to work together.

The bill before us is balanced. We have worked hard to balance the needs of the various States, each with different interests but with a common purpose. We have worked hard to balance the needs of highways and transit. It is time for us to finish the job. We have substantial differences with the House. We need to get this bill to conference so we can iron those differences out.

Legislating is the art of compromise. I have been fortunate to represent the people of Montana in this Capitol for the last 30 years. In that time, I have worked on hundreds of pieces of legislation that have become law. To craft these measures, I have worked with Members on both sides of the aisle—with Members on my side and Members of the other side—because, after all, we all are Senators. I have not received everything I wanted. I have had to give a little bit. That is what we all do around here. We are a nation of 50 States with different needs. I hope my colleagues will continue to work with us on the Senate floor with that in mind. There are small States, there are large States, there are urban States, there are rural States, there are donor States, and there are donee States. We have done our very best to balance the various needs.

Our ability to address many of the outstanding issues depends on the added funding this amendment provides. We could not balance them without this added funding. Without additional funding in this bill, we cannot make further changes. It is that simple.

To my friends who have come to me over these past weeks asking for more money for their States, I simply say: Now is the time to stand and be counted. Now is the time to complete action on this bill and invest in our future. Let us not allow gridlock in Congress to cause gridlock on the main streets of America. Let us adopt this amendment and provide the funding our transportation system needs. Let us move this bill to help get our economy moving.

Mr. President, I again thank all those concerned. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I know there are a number of my colleagues waiting to speak this evening. I assure them I will take a minute and then yield the floor.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk on the pending substitute.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending substitute to Calendar No. 69, H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Bill Frist, James Inhofe, David Vitter, Thad Cochran, Norm Coleman, Jim DeMint, Richard Shelby, Orrin Hatch, Kit Bond, Chuck Grassley, Pete Domenici, Jim Talent, Richard G. Lugar, John Thune, Bob Bennett, George Allen, Mitch McConnell.

Mr. MCCONNELL. Mr. President, I now send a cloture motion to the desk on the underlying bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate to Calendar No. 69, H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Bill Frist, James Inhofe, David Vitter, Thad Cochran, Norm Coleman, Jim DeMint, Richard Shelby, Orrin Hatch, Kit Bond, Chuck Grassley, Pete Domenici, Jim Talent, Richard G. Lugar, John Thune, Bob Bennett, George Allen, Mitch McConnell.

Mr. MCCONNELL. Mr. President, I say to all of our colleagues that votes on these cloture motions will occur on Thursday. Before we adjourn tonight, there will be additional information on the balance of the schedule for the week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Montana for his comments and a very excellent explanation as to how the Finance Committee is coming up with some more money to try to make this a better bill.

Senator JEFFORDS and I have been trying to get people to come down with amendments for several days now. We are pleased that Senator Hutchinson and Senator NELSON of Nebraska have an amendment. It is one to which we have agreed, but there may be others who want to be heard on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 617 TO AMENDMENT NO. 605

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. NELSON of Nebraska, Mr. BURNS, Mr. SHELBY, Mr. PRYOR, and Mr. GRAHAM, proposes an amendment numbered 617.

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

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

The amendment is as follows:

(Purpose: To limit the number of facilities at which the Secretary may collect tolls in the State of Virginia)

On page 250, strike lines 17 through 19 and insert the following:

(B) by striking paragraph (2) and inserting the following:

''(2) LIMITATION.—The Secretary may permit the collection of tolls under this subsection on 1 facility in the State of Virginia.'';

Mrs. HUTCHISON. Mr. President, this is an amendment that is going to try to take away the right of States to put tolls on interstate highways that have already been paid for and built by the taxpayers of our country. Recently, there has been a renewed interest in expanding opportunities to toll our Nation's interstate highway system. The interstate system was conceived and built with Federal tax dollars, so tolling interstates amounts to double taxation.

Today, I, along with Senators NELSON of Nebraska, SHELBY, BURNS, AND PRYOR, offer an amendment which simply repeals a provision from the previous highway bill, TEA–21, the Interstate System Reconstruction and Rehabilitation Pilot Program, which is known as the interstate tolling program, which is fundamentally unfair to taxpayers.

I have said if local communities and States want to come together and build a toll road, they should be able to do it. In these situations, the taxpayers know what they are getting into. Many times a vote is required to issue bonds, but at any rate the taxpayers can hold the elected officials accountable. To allow unelected transportation officials to simply install a toll booth on facilities already paid for by Federal tax dollars is unacceptable.

Tolling existing highways will also increase the number of drivers on the free roads, resulting in greater congestion and more accidents. Studies show that drivers will choose to bypass the tolls by driving on local, small roads. We also know that tolls on existing interstates will produce substantial diversion of truck traffic to other roads, and our rural roads are not equipped to handle significant truck traffic.

In Ohio, traffic tripled on US–20 after toll increases on the Ohio Turnpike. Unfortunately, fatal accidents on US–20 are now 17 times more common than those on the turnpike. In response, Ohio's Department of Transportation decided to lower the tolls, even though the action did reduce the revenues for the State.

A recent study predicted that a 25-cent-per-mile toll on an interstate would cause nearly half the trucks to divert to other routes. This is an understandable economic decision for trucking companies considering that truckers' profit margins average 2 to 4 cents per mile and the rising price of gasoline has already affected profitability. Technology already exists to help truckers and other drivers evade tolls in a cost-effective manner. It does not make sense to invest in tolls that people will not pay.

Tolling interstates would reduce the safety of nearby local roads, degrade the quality of life in neighboring areas, and hurt the economy. Eighty percent of the Nation's goods travel by truck, and they will travel more slowly and expensively if tolls are imposed on interstates.

The Federal Government collects taxes to fund the Federal interstate highway system. The States should not have the right to come in and impose another tax via a toll. The idea of tolling Texas highways is more concerning to me because the Federal highway program has treated my home State pretty poorly. Texas is the single largest donor State over the program's 50 years of history. We have the most highway miles of any State and our drivers have contributed billions to other States to enable them to build their portion of the Federal highway network.

In this bill, we will get a 91-cent return. It is better than the previous 5 years, but I am going to continue to work for parity. I have always defended States rights, but the flexibility to toll interstates has a clear effect on interstate commerce and fundamental fairness. If Arkansas, for example, decided to toll I–40, all deliveries coming into or out of Texas on I–40 would be subject to that toll. In effect, Texas businesses and citizens would be taxed for using that highway. As a donor State, our taxes have already helped to finance it. So it is clear from the studies that tolling an interstate will shift traffic to other roads and potentially to other States.

These States would not share in the toll revenue but would bear the brunt of the costs for more accidents on their roads, more traffic, pollution, and added highway maintenance and expansion costs. I cannot support a program which could shift new traffic and related burdens to our State and others.

The underlying SAFETEA bill establishes a commission to explore alternative sources of transportation revenue. The commission should be allowed to complete its work before we start experimenting with tolls or any other alternative.

At the request of Senator WARNER, we have modified the amendment to limit the interstate tolling program to the Commonwealth of Virginia. The senior Senator from Virginia and the State's congressional delegation have been working with Virginia's Department of Transportation for more than 3 years on the I–81 project. Virginia is the only State with an active application pending before the U.S. Department of Transportation. While I disagree with implementing this program, I am willing to defer to Senator WARNER on the need to allow Virginia to finish its application and have therefore agreed to this modification.

I am going to defer to the Senator from Nebraska, who is one of the cosponsors of the bill. I hope we will be able to pass this amendment. It is very important that the taxpayers of America know they are going to have the opportunity to use this interstate system their tax dollars for 50 years have gone to build.

The purpose of having an interstate system was so we would have seamless transportation into all of our States and it is very important we keep those highways that have already been built free highways for the citizens who have already paid for them. I urge the support of my colleagues.

I defer to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Texas, Senator PRYOR, and others for supporting and cosponsoring this legislation, which I think is extremely important. There are several points that need to be made about it. One is to point out what it does not do. It does not prevent tolling. Tolling on new construction and on additional construction on existing highways will be continued to be permitted. What it does do, as a matter of fairness, is it stops the equivalent of double taxation on existing highways already paid for by the Federal gas tax and in many cases State gas tax dollars.

What this will avoid having is an additional tax now put on those highways in the name and in the form of a toll, perhaps a little less ominous sounding than a tax. If one looks at the net effect of putting a toll on an already

paid-for stretch of highway, it amounts to an additional tax, in this case double taxation.

The second point that is important to make about this bill is it is a matter of highway safety. All studies will indicate very clearly that if there is a choice between a toll road and a nontoll road, it is most likely that truckers and other drivers will seek to use that nontoll road. In many cases, that is not going to present a matter of safety, but in all too many cases it will redirect traffic and reroute traffic to older, smaller, and less capable roads of handling that additional traffic. That not only will be a burden for the roads and will deteriorate the roads at a faster rate than was originally planned in their construction, but it will also raise the amount of traffic in many cases on two-lane highways or smaller highways and will increase the safety factor. I think it is pretty clear that we would ordinarily not take away the right of a State to do this. But under these circumstances, where we are allowing tolling of existing lanes on the Interstate Highway System, that is bad policy and it is absolutely unfair.

This amendment does not affect the State's ability to finance new construction using tolls, as perhaps some thought. But it does affect the right to do it in the case of existing highways.

I urge my colleagues to support this amendment. We worked out the questions that have been raised with respect to the State of Virginia. We believe that has now been handled, and this legislation should pass as part of this important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I understand there is no further debate on the amendment. I see the Senator from Texas wishing to urge the adoption of this amendment. We have no objection. It is a good amendment and I urge its passage.

The PRESIDING OFFICER. Is there further debate?

Mrs. HUTCHISON. I thank my colleague from Nebraska for being a cosponsor of the amendment. My colleague, Senator NELSON, signed on very early, as did Senator BURNS. I really appreciate that.

Mr. President, I urge the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 617) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent I may proceed as in morning business for the next 10 minutes.

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

(The remarks of Mr. BURNS and Mr. BAUCUS are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise in support of the Safe Accountable, Flexible and Efficient Transportation Act of 2005 and the cloture motion that was filed this evening.

First, I commend Senators INHOFE, JEFFORDS, BOND, BAUCUS, GRASSLEY, SHELBY, SARBANES, STEVENS and INOUYE and their staffs for their hard work and strong leadership in putting together a bipartisan bill. As a member of the Environmental and Public Works Committee, I am pleased to have been a part of this effort.

In the last Congress, I was a conferee for the bill and we worked in a bipartisan fashion, but we were unable to get the bill across the finish line. To expedite the process this year, this bill is essentially the same language that the Senate passed the last time around with the support of 76 Senators. The only difference is the numbers have been adjusted to reflect a lower spending level.

I call on the President and my colleagues in both the House and the Senate to work expeditiously to get this bill enacted into law as soon as possible.

We have serious needs to our aging infrastructure. The deterioration of our Nation's transportation system is impacting our economy, the environment, and the welfare of the American people. Passage of a transportation bill cannot be delayed any further due to these needs and the numerous jobs it creates. It is simply too important to our Nation in terms of its benefits to our economy and environment and to a safe and equitable transportation system.

A new substitute amendment was added to this bill yesterday which increases the total guaranteed Federal investment in highway and transit funds to $251 billion, about an $11 billion increase. I am pleased that the Finance Committee, under the leadership of Senators GRASSLEY and BAUCUS, was able to fully offset this increase so as not to increase the debt, as Senator GRASSLEY spoke so eloquently about it earlier today.

It is my understanding the bill remains budget neutral. I think it is important that everyone understand that. It is budget neutral because many of these offsets were included in the Senate-passed version of the JOBS bill last year. They passed the Senate but were taken out in the conference committee on the JOBS bill, so they are available to us as offsets in this bill.

Second, offsets are included in the bill which go after the proliferation of abusive tax shelters used by individuals and corporations and include increased criminal fines and penalties for those committing those abuses.

Additionally, these offsets include efforts to target fuel tax evasion schemes to ensure that additional money is available to properly fund the highway bill.

In 1998, the Transportation Equity Act for the 21st Century, TEA–21, was enacted, increasing the Federal investment in highways and transit by nearly 40 percent. This bill increases funding over TEA–21 by about 35 percent. Now, people will hear those numbers, and they will think: Wow, that is an enormous increase in spending. But listen to some of these facts.

While the total funding is still well below what I and several of my colleagues think is appropriate and necessary, I support this bill because it represents a compromise between the Senate-passed bill last Congress and the level the President has requested. I commend the managers of the bill for their hard work in finding this middle ground.

As I mentioned, this legislation is modest, given the need. It falls far short of the level that would improve and even maintain our Nation's highway system. Frankly, the bill that passed last Congress was not enough, either.

According to the Federal Highway Administration's 2002 Conditions and Performance Report, $106.9 billion is needed every year through 2020. It is needed to maintain and improve our highways and bridges. And just to maintain the system, $75.9 billion is needed annually through 2020.

This bill contains $199 billion in guaranteed funding for highways for 5 years. This is only an average of about $36.5 billion annually, which is $70.4 billion below what is needed to improve and $38.8 billion below what is needed to maintain the system. So this is not some gigantic porkbarrel ripoff legislation. It is a modest attempt to meet the needs we have in our country.

Additionally—and I will go into this more later—I would have liked donor States to get back more of each dollar they put in the highway trust fund. However, the inadequate funding pales in comparison to the need to pass a bill now. TEA–21 expired on September 30, 2003. That was 19 months ago, and we are still trying to get a bill done. This program has been operating under a total of six short-term extensions, and the next extension expires at the end of this month.

Our States and our workers cannot afford for us to simply pass another extension. We cannot pass another extension. State contract awards for the 2005 spring and summer construction season are going out to bid. If we fail to enact a bill by the end of this month, States will not know what to expect in Federal funding, potentially delaying many projects.

According to a survey conducted by the American Association of State Highway Transportation Officials, another extension could mean the loss of over 90,000 jobs and $2.1 billion in project delays.

This is the most significant jobs bill we will pass this Congress. We have an opportunity with this bill not only to improve and repair our crumbling highways and bridges but to create good-paying jobs at the same time.

The transportation construction industry generates more than $200 billion in economic activity and helps sustain 2.5 million jobs in the United States each year. According to the U.S. Department of Transportation, every $1 billion invested in highway construction creates 47,500 jobs and generates more than $2 billion in economic activity. This economic activity includes $500 million in new orders for the manufacturing sector that is so desperately needed in my State.

AASHTO estimates that over the next 5 years, the highway portion of this bill would create about 518,000 jobs nationally and 23,000 jobs in the State of Ohio. Perhaps even more importantly, let me reiterate that the failure to pass this bill could cause the loss of 90,000 jobs across the country.

It is also estimated that every dollar invested in the Nation's highway system generates $5.70 in economic benefits, including reduced delays, improved safety, and reduced vehicle operating costs. This is a 6-to-1 return on investment. It has a synergistic effect on so many parts of our economy.

Ohio's ''just in time'' economy cannot afford any further delays in passing this bill, as transportation congestion seriously threatens our competitiveness. Our aging infrastructure is also impacting people in their pocketbooks. Nationwide, 162,000 bridges are structurally deficient or functionally obsolete, and 160,000 miles of highway pavement are in poor or mediocre condition. Americans pay $49 billion a year in extra vehicle repairs and operating costs due to road conditions. This is an average of $255 per driver in the United States of America.

Americans also pay due to increased congestion and poor road conditions. The average urban rush-hour driver spends almost 62 additional hours a year stuck in traffic—62 additional hours a year stuck in traffic. Vehicles caught in stop-and-go traffic emit far more emissions than they do without frequent acceleration and breaking. Traffic congestion is also responsible for 5.7 billion gallons of wasted gasoline every year. Wasted fuel and lost productivity due to traffic congestion costs the U.S. economy nearly $70 billion annually. So this issue of highway construction, repair, and maintenance has a dramatic impact on the quality of life of our fellow Americans.

It not only costs our economy and environment, but also lives. Nearly 43,000 people were killed on America's roads in 2003. Poor road conditions were a factor in one-third of those fatalities. In Ohio, 1,277 people were killed on roads in 2003, and the number increased to 1,285 in 2004. The Federal Government predicts highway fatalities will grow to nearly 52,000 by 2009, absent any new Federal investment in highway safety. Studies report that every $1 billion invested in road improvements since 1950 has helped prevent 1,400 premature deaths and nearly 50,000 injuries, as well as helped save over $2 billion in health care, insurance, lost wages, and productivity costs.

If we continue to ignore the upkeep and allow the deterioration of our infrastructure, we risk disruptions in commerce and reduced protection for public safety, health, and the environment.

This bill is extremely important to my State, which has one of the largest surface transportation networks in the country. There are 60 public transit systems serving 58 of Ohio's 88 counties. This is a statistic that I am sure my fellow Ohioans are not aware of. In 2003, these systems made approximately 135 million trips. Ohio has the Nation's fourth largest rural transportation program, the fifth largest bus fleet, the ninth most transit vehicle miles traveled, and the tenth highest overall ridership in the Nation.

The American Public Transportation Association estimates that for every $10 million spent, 310 jobs are created, and $30 million in business sales is generated. For transit, Ohio will receive $884 million, which is about $220 million more, or a 33-percent increase over TEA–21.

In terms of highways, Ohio has the Nation's seventh largest highway network, fifth highest volume of traffic, fourth largest interstate highway network, and the second largest inventory of bridges in the country.

Under TEA–21, Ohio received a 23-percent increase in highway funding. This bill will provide Ohio with $7.7 billion, which is about $1.91 billion more, or a 33-percent increase over TEA–21.

Throughout my career, I have been working to ensure that Ohio receives its fair share of highway funding. Through the 1990s, we moved from receiving less than 80 percent of our contributions to the highway trust fund to 90.5 percent under TEA–21.

This is, again, one of my top priorities for reauthorization.

Early this year, along with 19 cosponsors, Senator CARL LEVIN and I introduced legislation, the Highway Funding Equity Act of 2005, to increase donor States' minimum rate of return to 95 percent. It has been a pleasure to lead this effort on behalf of the SHARE—States' Highway Alliance for Real Equity—coalition in the Senate. This bill increases the guaranteed share for all donor States to 92 percent by 2009. While it is not the 95 percent we sought, I recognize that it is a compromise, and the Ohio Department of Transportation has told me it is sufficient.

First and foremost, ODOT has made it clear they need a bill with an increased level of investment signed into law as soon as possible. I hope all of my colleagues have the same kind of pressure being put on them by their respective DOT directors. The bill increases funding by 35 percent over TEA–21. In order to get it enacted before the extension at the end of the month expires, the bill must be passed this week.

Second, Ohio needs to no longer be penalized for consuming ethanol-blended fuel. That is one of the issues we worked on during the last several years. Because we are a high ethanol user and because of the fact that money didn't go into the highway trust fund, we were losing about $140 million a year. I cosponsored language last Congress, written by Senator GRASSLEY, to transfer 2.5 cents of the Federal tax on ethanol-blended fuel from the general fund of the Treasury to the highway account of the highway trust fund and to replace the 5.2 cents per gallon reduced tax rate for ethanol-blended fuel with a tax credit.

Fortunately, we were able to make these changes last Congress in the JOBS bill which means $400 million in increased funding for Ohio over the life of this bill.

Our Department of Transportation has informed me they need a 91-percent rate of return to meet Ohio's transportation goals over the life of this bill. Again, this bill takes us to 92 percent. Because of this, our Ohio Department of Transportation will be able to move forward with their Jobs and Progress Plan, a $5 billion, 10-year Ohio construction program dedicated to Ohio's most pressing congestion, safety, and rural access needs. This plan is possible because Ohio approved a State motor vehicle fuel tax increase in 2003 to provide half of the funding. This new construction program in Ohio will employ approximately 3,950 construction workers directly and another 9,850 indirect highway jobs. The citizens of Ohio should be proud of the fact that they reached into their pockets to increase their gas tax so Ohio will be a leader in this country in responding to its highway needs.

The Ohio Jobs in Progress Plan is going to help finance several major projects throughout the State, including a $350 million project to rebuild I–75 in Dayton, a $400 million project to begin rebuilding the central viaduct or, as we in Cleveland call it, ''dead man's curve,'' and a $600 million project to improve the I–70/I–71 split in Columbus. It also includes investments in high crash locations and the freight corridors such as U.S. 24 and U.S. 30 in northwest Ohio.

In addition, the bill provides funding for $202 million worth of projects that ODOT has ready to go but no funding. The 128 projects on the shelf range from major reconstruction to traffic signals.

Finally, I have a few comments about the environmental planning and project delivery provisions of this bill. As chairman of the Clean Air, Climate Change, and Nuclear Safety Subcommittee, and the past chairman of

the Transportation and Infrastructure Subcommittee, I understand full well the importance and significance of the overlap between highway planning and air quality.

As requested by Federal, State, and local officials, this bill makes important improvements to the conformity process by synchronizing planning and conformity timelines and requirements. It also modifies the Congestion Mitigation and Air Quality Improvement Program, called CMAQ, to include nonattainment areas for the new ozone and particulate matter standards. EPA has designated about 500 counties in this Nation as in nonattainment, including 33 counties in Ohio. These areas will need all the help they can get to attain the new standards, and the CMAQ Program will help to pay for those things that need to be done.

While these are two areas in which I believe we made progress, I believe we could have done more with the metropolitan and statewide planning and transportation project delivery provisions in this bill. As a former Governor, I was frustrated at how long it took to do a highway project from the beginning to the end. As Senator, I have wanted to do something meaningful on this issue since I was chairman of the Subcommittee on Transportation and Infrastructure. While I was chairman, I held a number of oversight hearings on the implementation of the streamlining provisions included in TEA–21. Although I have not introduced any amendments on this matter, I look forward to continuing to work with my colleagues on this issue as this bill moves forward. It takes too long to build a highway in the United States.

I do want to mention an area where I think we have made good progress. This is with the section 4(f) provisions of the bill. Last Congress, I proposed an amendment on this after working with a bipartisan and diverse group to develop a compromise such as the National Trust for Historic Preservation, the American Association of State Highway and Transportation Officials. I am pleased these provisions are included in this bill as the process has caused more delay in my State than any other planning or environmental review requirement. This is a requirement of Federal law in terms of where you can put a highway, in terms of areas that involve historical places or parks and so forth. As a result of that, it has slowed down our ability to move forward with highway construction.

As I mentioned, the 4(f) reforms are a true compromise—not far enough for some and perhaps too far for others. I have numerous examples of this cumbersome process. I will not go into them tonight.

I urge my colleagues who have concerns with these provisions to contact me so I can discuss the problem and how we reach a balanced solution.

I urge my colleagues to support the bill and the cloture motion filed on it. The current surface transportation authorization expires at the end of the month. We have to get this bill out of the Senate now. I urge my colleagues to work to achieve that, get it into conference, get it done, get it passed, get the President to sign it, and let's make sure that what APTA predicts doesn't happen, and that is, if we don't get this bill passed, we are going to lose 90,000 jobs.

Mrs. FEINSTEIN. Mr. President, I would like to take a few minutes today to talk about the Transportation reauthorization bill before us and why I believe it is necessary to pass a transportation bill before the authorization ends on May 31, 2005.

The Transportation reauthorization bill is a jobs bill. According to the U.S. Department of Transportation, each $1 billion in new infrastructure investment creates 47,500 new jobs: 26,500 of these are directly related to construction, engineering, contracting, and other on-site employees, and 21,000 are indirect jobs resulting from the spending associated with the investment.

Improving our transportation infrastructure is one of the critical things we can do to create jobs.

My State, California, needs a robust transportation bill to help clean the air, ease congestion on the roads, and create jobs. However, I do have some concerns about this bill.

As a representative of a donor State, I am extremely disappointed that so many States are still being asked to give more than they receive in Federal transportation dollars. I believe that this bill does not adequately address the problems of donor States like my State of California.

California currently has a 90.5 percent rate of return. In other words, for every dollar California sends to Washington, it gets back only 90 ½ cents for maintenance and improvement of our highways.

Transportation is the backbone of California's economy. Our seaports handle about half of all cargo that comes into the United States, and the State is also home to two of the nation's busiest ports—Los Angeles/Long Beach and Oakland.

Three-quarters of all goods shipped from California's ports are now transported by truck along California's roads.

We need our roads to be equipped to handle the flow of these goods and the truck traffic that comes with it.

Regrettably, these roads are in desperate need of repair. More than 70 percent of California's major local and State road miles are rated in poor or mediocre condition-compared with a national average of 28 percent—and 38 percent of the State's overpasses and bridges are structurally deficient or functionally obsolete.

As a result, California's 21 million motorists pay an average of $555 each, or a total of $12 billion, in extra vehicle operating costs annually. These costs include wasted fuel, pothole damage, and shortened vehicle lifespan.

At the same time, travel on California's roads nearly doubled between 1980 and 2000, while the population increased only 42 percent.

We are all familiar with pictures of California's gridlock—cars sitting on our freeways, moving at a snail's pace.

The facts bear out the images. Out of the top five congested urban areas in the Nation, California has three. Los Angeles is the most congested, followed by San Francisco-Oakland. San Diego is the fifth most congested area in the country.

In LA County, 85 percent of freeway lane miles are congested, and Los Angeles motorists waste 177 hours a year per driver.

Traffic congestion in California costs motorists $20.7 billion annually in lost time and fuel. And with rising fuel costs, that total is only going to increase.

I am also concerned with the Senate bill's changes to the Congestion Management and Air Quality Improvement Program, or CMAQ. The CMAQ formula currently apportions funds to states based on the severity of ozone and carbon monoxide pollution. The Senate bill proposes to change the formula so that CMAQ awards to areas with ozone pollution, regardless of the severity of that pollution.

The Los Angeles Metropolitan Transit Authority—LAMTA—estimates that this ''one-size fits all'' approach could cost California as much as $160 million in CMAQ grants over 4 years.

This change is a huge problem for California. California has six non-attainment areas for air quality, and 70 percent of the State in the reformulated gasoline program because our air is so dirty.

In addition, according to a study by the American Lung Association in 2004, nine of the twenty smoggiest cities in the United States are located in my home State, California.

California needs the CMAQ funds to pay for highway enhancements to ease the flow of traffic and reduce the amount of time trucks and cars are idling and spewing pollution into the air.

California also relies heavily on public transportation, and the bill needs to adequately fund mass transit programs.

California has some of the largest regional transportation systems in the country including Bay Area Rapid Transit—BART, CalTrain—the rail service between San Francisco and San Jose, and Metrolink—Southern California's regional transit system.

These programs help reduce the number of cars on the road, which in turn, reduces air pollution, and decreases the amount of time my constituents have to spend commuting every day.

Californians are facing a serious dilemma. Without adequate Federal highway dollars, local communities will not be able to eliminate bottlenecks on highways and make necessary air quality improvements. As a result,

they will remain out of conformity with Federal air quality regulations, and will lose even more Federal highway dollars. This is a never-ending cycle and has failed to make any strides in helping reduce our air pollution.

That is why I support toll roads as an option to provide the needed revenue to make improvements to our roads. I am pleased that the Senate bill includes a toll road pilot program and hope that the program is flexible enough to allow the State to use the tolls to meet its goods movement infrastructure needs.

I would also ask the Environment and Public Works Committee to consider an amendment that would allow tolling revenue in extreme non-attainment areas to be used to mitigate air quality impacts that are imposed upon those communities by heavy duty trucks moving goods from California's ports to areas throughout the country.

I am also pleased that the bill will allow hybrid vehicles access to high occupancy vehicle—HOV—lanes. Without this authorization, California and other States, such as Arizona, Virginia, Colorado, and Georgia will lose their Federal highway dollars by implementing their own State laws to allow hybrids to access these lanes.

This provision would increase traffic mobility and also serves as an important incentive to get more hybrids on the road, an innovative solution to reduce our dependence on oil.

I would like to thank the Commerce Committee for including language in the bill that would require the Department of Transportation to conduct a study of predatory towing practices. Tow truck companies act without any local, State or Federal regulation. While most are good actors, there are a few that have taken advantage of the lack of regulation to prey on consumers. This has become a huge problem throughout California, and in other areas including Virginia and Arizona. This study will determine the impact of predatory towing practices and propose potential remedies to dealing with them.

While I have concerns about the fairness of the funding formulas, I also realize that without a transportation bill, California's communities will lack the money they need to plan major infrastructure projects. As a result, I plan to support this bill and hope that the conferees will keep in mind the needs of the donor States such as California.

Mr. HARKIN. Mr. President, I would like the RECORD to indicate that yesterday I was necessarily absent for the vote on the Talent amendment to the Highway bill, but had I been present I would have voted in favor of the amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to proceed in morning business.

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

JOHN BOLTON

Mr. SESSIONS. Mr. President, there have been a lot of complaints lately over John Bolton, the President's nominee to be United States Ambassador to the United Nations.

Mr. Bolton is an excellent choice for this position, as both his experience and leadership qualities prove. He graduated from Yale Law School, joined a prestigious firm, one of the country's great law firms, Covington & Burling. He worked there until 1981. He began his career in public service at the U.S. Agency for International Development, first as general counsel, then as assistant administrator for program and policy coordination. This was good training for him for his potential future role with the U.N.

From 1985 to 1989, he was an assistant attorney general in the U.S. Department of Justice. I got to know him at that time because I was a U.S. attorney in Alabama when he served in the Department of Justice in the prestigious office of legal counsel. From 1989 to 1993, he was again involved in international organizational issues when he served as Assistant Secretary of State for international organizational affairs. Mr. Bolton was confirmed by the Senate for both of those positions.

From 1993 to 1999, he was again in private practice, as a partner with the law firm of Lerner, Reed, Bolton, and McManus. In 2001, he became Under Secretary of State for Arms Control and International Security. I believe he was confirmed once again in that position by the Senate.

This was excellent experience for him. He dealt with issues relating to world security. Some say Mr. Bolton does not believe in the United Nations, multilateralism, and diplomacy. That statement is false.

The President of the United States recently stated in a television interview that he asked Bolton if he supported the U.N. before he, the President, agreed to nominate him. Mr. Bolton answered that he did. Despite what others have been alleging, the facts show—and Mr. Bolton has proven time and again—that he believes in the U.N. That is why he has been such an effective advocate for honest diplomacy and an effective U.N.

For example, he was a pioneer in helping to construct the G–8 global partnership to help keep secure dangerous technologies and materials, and to help stop the spread of dangerous weapons throughout the world. This global initiative will provide $20 billion through 2012 to achieve these goals of making the world a safer place, by working with other nations.

Mr. Bolton was the President's point man in designing the Proliferation Security Initiative, the PSI. Over 60 nations are now working together, coordinated by John Bolton, to share intelligence, and are taking action to stop the transfer of dangerous weapons throughout the world. He has even done pro bono work for the U.N. in Africa, giving of his time for free to help those in need.

He also worked closely and effectively with the U.N. when he served as Assistant Secretary of State in the State Department for International Organizations, from 1989 to 1992.

He has been instrumental in galvanizing U.N. agencies such as the IAEA, the International Atomic Energy Agency, to take concrete steps to actually make the world safer from weapons of mass destruction—not just to talk about it, but to do something about it. Isn't that effective multilateral leadership? I certainly think so.

He was the driving force in the U.N. Security Council Resolution 1540 to get countries to take meaningful steps to stop the spread of dangerous weapons.

He has clearly been instrumental in both diplomacy and multilateralism and has proven to be an advocate of a United Nations that fulfills its potential, its calling, to make the world safer, and to help people throughout the world develop to their fullest.

He will not, however, be an enabler of a dysfunctional U.N. John Bolton has supported reform within the U.N. to help make it a better organization. This reform effort should not be misconstrued as opposition to the U.N. but, rather, as constructive and effective criticism. When parents discipline their children, it is not because they don't support them or believe in them. In fact, it is exactly the opposite. Good parents set guidelines and high standards for their children to guide them in life and to make them more responsible adults. If you love your children, you want them to reach their highest and best potential. That is exactly what John Bolton has done with the U.N.

He has not come out against the U.N. He has not vehemently opposed the U.N., as some of my colleagues would have you believe. He has worked within the system to advocate reform in an effort to better the organization, to ensure that U.N. programs achieve their intended purpose.

Under Bolton's leadership at the United Nations, when he served as Assistant Secretary of State in the administration of the elder George Bush, the U.N. General Assembly repealed, by a vote of 111 to 25, a resolution that described Zionism as a form of racism. Resolution 3379 originally passed in 1975—72 votes for, 35 against—decreeing that Zionism was a form of racism. Sixty-seven percent of the nations at that time voted for it. It was widely recognized as a sad day for the U.N. Secretary of State Condoleezza Rice described Bolton as the ''principal architect'' of the 1991 reversal of that resolution. Bolton recently referred to resolution 3379 as ''the greatest stain on the U.N.'s reputation'' and called its reversal ''one highlight of my professional career.''

Thomas M. Boyd, a fine former official in the Department of Justice who

was Mr. Bolton's deputy when he was Assistant Attorney General in the U.S. Department of Justice, described the situation this way in a recent editorial in the Boston Globe:

Starting in the summer of 1991 and continuing well into the early fall, Bolton arrived at his office early each morning and began calling ambassadors around the world, as well as here in Washington, one by one, each time using his keen mind and reputation for bluntness to their full effect. Citing from memory Senator Moynihan's November 10, 1975, contention that ''the United States declares that it does not acknowledge, and will not abide by, it will never acquiesce in this infamous act,'' Bolton refused to accept their excuses and their schedule conflicts and called repeatedly until he talked on multiple occasions to virtually every ambassador whose country would be called upon to cast a vote. In time, his perseverance began to winnow down the naysayers.

As a direct result of this effort, the hate-ridden resolution was overwhelmingly repealed on December 16, 1991. Let me point out an important aspect of this story. As Mr. Boyd noted, many in the State Department told him he should not pursue the repeal, that it could not be done, and that it wasn't worth the effort. But because John Bolton is a man of integrity, conviction, courage, and determination, he didn't see it that way. He didn't follow the advice of the professional bureaucrats and the State Department officials who said it could not be done. Instead, he worked tirelessly to do something that some people thought could not be done. He did the right thing, and he should be saluted for that. There is, indeed, a strength of character that is to be noted here.

A terrible wrong had been righted with this repeal, and Mr. Bolton had not only shown his skill in diplomacy, but his determination to do what is right. Isn't that what good diplomacy is? It is not just seeing if you can get along and agree with everybody's ideas, but holding forth good ideals, good values, fighting for them, and actually winning people over to vote for the right thing. That is what good diplomacy is, what leadership is—not blindly going along with people's ideas whether they are correct or not. He is a good man, a courageous man, who will make a tremendous ambassador to the U.N.

John Bolton realizes the benefits possible to the world through an effective U.N., and for that reason he has worked hard to make sure it stays a credible organization. You cannot blame him for being concerned about the United Nations. I certainly am. With the numerous allegations of corruption at the U.N., we need a frank and aggressive ambassador leading the American efforts there.

Last month, the Washington Times reported that two senior investigators with the U.N. committee probing corruption in the Oil for Food Program have resigned in protest. These investigators believe the report that cleared Kofi Annan of meddling in the $64 billion operation was too soft on the Secretary General.

The investigators believed the so-called independent inquiry committee, which was appointed by Secretary General Kofi Annan in April of 2004, played down findings critical of Mr. Annan when it released an interim report in late March relating to his son. This scandal has only gotten more complicated this week as it now seems that one of the investigators has turned over potentially incriminating evidence against Kofi Annan to a House congressional committee.

This scandal has been described by some as the greatest scandal in the history of the world. Scandals such as these undermine the United Nations. They distract it from its intended purpose of promoting international peace and security. These scandals and mismanagement waste money that could be used for peacekeeping, medical care, economic development, and education in poor countries around the world. This money might help prevent hostilities, famine, and revolutions that disrupt these areas of the globe.

We need a U.S. ambassador to the U.N. who has both diplomacy and tenacity as leadership qualities. Mr. Bolton has both of these qualities.

One of my esteemed colleagues has alleged that Mr. Bolton blocked certain information from going to Secretary Powell and Secretary Rice. There is no basis for this claim. Richard Boucher, the spokesman for the State Department, has expressly refuted the allegation, calling it ''silly'' and stating that ''nothing of that type occurred.''

Another colleague said Mr. Bolton tried to skew weapons of mass destruction intelligence on Iraq, Syria, and Cuba. Again, false.

In every instance, whether talking about Iraq's weapons of mass destruction program, Cuba's biological weapons, or Syria's weapons program, Mr. Bolton's speeches were cleared by the U.S. intelligence community; that is, he submitted his comments to the intelligence community for them to review to make sure nothing he said was incorrect. They cleared those speeches. There is no evidence whatsoever that Mr. Bolton skewed anything. The allocations are false.

On the contrary, there are scores of highly credible individuals who testify to his honesty and excellent candidacy for the position. For instance, I have a letter from former Prime Minister Margaret Thatcher to John Bolton expressing her strong support for Mr. Bolton. It is fitting that she should support John Bolton, particularly in light of the comments that he is too tough, too outspoken, too frank, too blunt. Those same criticisms were made about Lady Thatcher in 1975, earning her the nickname the Iron Lady. She embraced that nickname, famously asserting:

If you lead a country like Britain, a strong country, a country which has taken a lead in world affairs in good times and in bad, a country that is always reliable, then you have to have a touch of iron about you.

She was absolutely right, and the same holds true in this case. If our ambassador is going to represent the world's great superpower in the United Nations, an organization, unfortunately, that has been riddled with corruption and strong opposition by certain members to the values we hold dear, he must have a touch of iron about him, and he does.

Say what you will about John Bolton, weakness is not one of his weaknesses.

I ask unanimous consent that the letter from Lady Thatcher be printed in the RECORD.

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

MAY 4, 2005.

Hon. JOHN R. BOLTON,
Undersecretary of State for Arms Control and International Security.

DEAR JOHN: I am writing this letter in order to let you know how strongly I support your nomination as U.S. ambassador to the United Nations. On the basis of our years of friendship, I know from experience the great qualities you will bring to that demanding post.

To combine, as you do, clarity of thought, courtesy of expression and an unshakable commitment to justice is rare in any walk of life. But it is particularly so in international affairs. A capacity for straight talking rather than peddling half-truths is a strength and not a disadvantage in diplomacy. Particularly in the case of a great power like America, it is essential that people know where you stand and assume that you mean what you say. With you at the UN, they will do both. Those same qualities are also required for any serious reform of the United Nations itself, without which cooperation between nations to defend and extend liberty will be far more difficult.

I cannot imagine anyone better fitted to undertake these tasks than you.

All good wishes,

Yours ever,

MARGARET.

Mr. SESSIONS. Mr. President, this letter of April 5, 2005, is signed by 13 giants of American diplomacy, including five Secretaries of State and two Secretaries of Defense in support of John Bolton. I ask unanimous consent that this letter be printed in the RECORD.

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

Washington, DC, April 5, 2005.

Senator RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We write to urge that the Senate act expeditiously to confirm John Bolton as our ambassador to the United Nations. This is a moment when unprecedented turbulence at the United Nations is creating momentum for much needed reform. It is a moment when we must have an ambassador in place whose knowledge, experience, dedication and drive will be vital to protecting the American interest in an effective, forward-looking United Nations.

In his position as Undersecretary of State, John Bolton has taken the lead in strengthening international community approaches to the daunting problem of the proliferation of nuclear and other weapons of mass destruction (WMD). As a result of his hard work, intellectual as well as operational, the

G–8 has supported U.S. proposals to strengthen safeguards and verification at the International Atomic Energy Agency and the Proliferation Security Initiative was launched and established within three months—a world speed record in these complex, multilateral matters. Moreover, Secretary Bolton led the successful effort to complete the negotiation of UN Security Council Resolution 1540, adopted unanimously in April, 2004. UN 1540 called on member states to criminalize the proliferation of WMD—which it declared to be a threat to international peace and security—and to enact strict export controls.

Secretary Bolton, like the Administration, has his critics, of course. Anyone as energetic and effective as John is bound to encounter those who disagree with some or even all of the Administration's policies. But the policies for which he is sometimes criticized are those of the President and the Department of State which he has served with loyalty, honor and distinction.

Strong supporters of the United Nations understand the challenges it now faces. With his service as assistant secretary of state for international organizations, where he was instrumental in securing the repeal of the repugnant resolution equating Zionism with racism, and as undersecretary for arms control and international security, we believe John Bolton will bring great skill and energy to meeting those challenges.

Sincerely yours,

Hon. David Abshire, former Assistant Secretary of State, Hon. Kenneth Adelman, former Director, Arms Control Disarmament Agency, Hon. Richard Allen, former Assistant to the President for National Security, Hon. James Baker, former Secretary of State, Hon. Frank Carlucci, former Secretary of Defense, Hon. Lawrence Eagleburger, former Secretary of State, Hon. Al Haig, former Secretary of State, Ambassador Max Kampelman, former Ambassador and Head of the U.S. Delegation to the Negotiations with the Soviet Union on Nuclear and Space Arms, Ambassador Jeane Kirkpatrick, former Ambassador to the United Nations, Hon. Henry Kissinger, former Secretary of State, Hon. James Schlesinger, former Secretary of Defense, Hon. George Shultz, former Secretary of State, Hon. Helmut Sonnenfeldt, former Counselor, Department of State.

Mr. SESSIONS. Mr. President, for over three decades, John Bolton has had an effective working relationship with foreign governments, international institutions, nongovernmental organizations, and the private sector. He is a man who gets results. As Secretary Rice said:

The President has nominated John Bolton because he gets things done.

That is exactly what we need for the U.N. ambassador. John Bolton is the man for the job.

Mr. President, I am proud to support him, and I do believe his nomination will be moving forward this week. I think this Senate should promptly move to confirm him in this important position.

60TH ANNIVERSARY OF V–E DAY

Mr. STEVENS. Mr. President, this past Sunday, the 8th of May, marked the 60th anniversary of the Allied victory in Europe during World War II. I have come to the floor today to honor those who served in that war and to mention our colleagues who answered the call of duty then.

When I first came to the Senate, I think more than half of the Senate had served in World War II. There are few of us left who served during that war, and in the Senate only five: Senator AKAKA, Senator INOUYE, Senator LAUTENBERG, Senator WARNER, and myself.

That war was an enormous effort that involved our Nation's total manpower. Sixteen million Americans answered the call to serve, and more than 400,000 of them gave what Lincoln once called ''the last full measure of devotion.''

Here at home, Americans of all walks of life supported the war effort. Children collected rubber, tin, and steel. Families rationed food and gasoline. And women, in unprecedented numbers, took their place in industry and produced the tools that enabled us to win the war. They joined fields which had once been closed to them, and they never looked back.

When I went into the service, as most of my generation did, I was fortunate to do what I wanted to do, which was to fly. Sixty years ago, for those of us who served, every day was a milestone. Every day marked another step toward victory.

Today, we only recognize a handful of those days: Pearl Harbor Day, D-day, V–J Day, and V–E Day—which is what I speak of today.

There were so many who stepped forward when our country needed us, who sacrificed on the battlefield and here at home so we could win that war. It was a time defined by heroism, and it is hard to single out any one person who did heroic things. But I am here to remind the Senate that my friend, Senator INOUYE, was a hero.

In military history there is a select group of men who have suffered grave injuries on the battlefield, continued their military careers, and gone on to further greatness. Horatio Nelson, Joshua Chamberlain, and John Bell Hood are all men who were tested on and off the battlefield, and their legacies endure.

Among these men, Senator DAN INOUYE stands out because he overcame so much more just to become a soldier and waited so long to have his heroism officially recognized with the Congressional Medal of Honor.

It is hard to sum up my respect and admiration for my great colleague and friend from Hawaii. Our friendship has spanned many decades now, and we call each other truly brothers. We are brothers. I can think of no man I respect more.

Last month, Senator REID came to the floor to honor Senator INOUYE's service during World War II, also. Senator REID said:

Dan Inouye is a step above all of us.

I agree with Senator REID. As a World War II veteran, I am here to salute DAN INOUYE. His courage and bravery and sense of duty are an inspiration to not only his Senate colleagues, but I feel to all Americans. In a time when men made the extraordinary seem ordinary, DAN INOUYE stood out as a hero among men.

I would like to read part of the citation for action that resulted in Senator INOUYE's Congressional Medal of Honor. Senator INOUYE was recognized for valor in combat in the Italian campaign in a battle just 17 days before V–E Day. The citation says:

With complete disregard for his personal safety, Second Lieutenant Inouye crawled up the treacherous slope to within five yards of the nearest machine gun and hurled two grenades, destroying the emplacement. Before the enemy could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper's bullet, he continued to engage other hostile positions at close range until an exploding grenade shattered his right arm.

Despite the intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions. In the attack, 25 enemy soldiers were killed and eight others captured. By his gallant, aggressive tactics and by his indomitable leadership, Second Lieutenant INOUYE enabled his platoon to advance through formidable resistance, and was instrumental in the capture of the ridge. Second Lieutenant INOUYE's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit on him, his unit, and the United States Army.

On the battlefield and in Congress, DAN INOUYE has faithfully served our country, his state of Hawaii, and the men and women of the military.

It is men such as DAN INOUYE who inspired the phrase the ''Greatest Generation.'' I hope we remember all of them today.

I thank the Chair.

Mr. BURNS. Mr. President, yesterday we introduced a bill that would bring relief to some of the folks in my State of Montana. As you know, in the 1950s, nuclear testing was held in Nevada. Of course, from this testing, there was some radiation drift. The major source of this radiation comes from nuclear explosions from a Nevada test site, which is located about 65 miles north of Las Vegas.

In studies by the National Cancer Institute, and a report that was recently released by the National Academy of Sciences, we find that the State of Montana was left out of any compensation that was given to victims of downwind exposure to radiation. In fact, according to the National Cancer Institute, certain areas of Montana have been exposed to the highest dose, ranging from 12 rads to 16 rads. The National Cancer Institute's charts give you some idea of the effects of the nuclear test site in Nevada. Of course, up in our part of the country, we fall victim to southwesterly winds. If you notice, my State of Montana shows up with more darker red areas on the chart than any other region of the

United States, which means that we received some of the highest doses of radiation.

Montana is home to 15 of the 25 counties with the highest radiation dosage nationwide and the county receiving the highest dose in the country is Meagher County, MT.

Individuals who were affected from this nuclear testing are often called downwinders—because the wind carried the poisonous Iodine-131 north, when the gravity finally kicked in and it settled to the ground. People can be exposed to radiation from nuclear testing fallout through external radiation like a plume or a cloud passing over a region. They can also be exposed by radioactivity deposited on the ground and remaining there for long periods of time, or by the internal exposure to radioactivity that accumulates in the body from inhalation or ingestion of plants, meat or milk. Milk is the primary source of Iodine-131 and disproportionately affects milk drinkers. Who drinks milk? Children and babies who are the most vulnerable of our society.

This discussion leads us to the topic of thyroid cancer. The thyroid gland will absorb about 30 percent of radioactive Iodine-131 in the human body. Thyroid cancer is slow in development as it takes 10 to 40 years to manifest itself. This means that radiation exposure in the late 1950s might not manifest as cancer until the 1990s.

This chart compares the rates of thyroid cancer nationwide and in my state of Montana. Between years 1989 and 2003, the rate of thyroid cancer diagnosis nationwide increased by 38 percent. At the same time, the thyroid cancer rate in my State of Montana increased by a whopping 127 percent.

The 1990 Radiation Exposure Compensation Act and RECA Amendments of 2000 offer lump-sum payments of $50,000 to civilians who were living in States deemed as downwind from the nuclear testing in Nevada and who contracted a specific type of cancer. States where downwinders can currently receive compensation include Nevada, Utah, and Arizona. It is important to note that Montana was not included under this law. Yet a report just released by the National Academy of Sciences shows that Montana received the highest radiation dosage.

Accordingly, a most recent study on this issue shows the absorbed radiation dose to the thyroid of a person born in 1948 who resided for the entire period in Montana is 250 milligrays. This dosage is higher than most, if not all, regions presently eligible for compensation under RECA.

My bill, S. 977, would allow Montanans who were adversely affected by this nuclear testing to be counted among those folks currently eligible to receive $50,000 in compensation. Those eligible for $50,000 would also receive compensation in the form of free medical treatments for the diseases they have contracted from the exposure.

The fact is, Montanans were involuntarily subjected to increased risk of injury and disease in order to serve the national security interests of the United States, and they deserve our compassion and our support.

I strongly encourage my colleagues to support S. 977, to expand RECA to victims in the State of Montana.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my colleague from Montana for doing something about this problem. It is a huge problem. He has identified it. He has some solutions, he has some ideas, and we will work with him, as I am sure other Senators will in States also affected by this problem. I compliment him for raising the issue and finding a solution.

ADLER PLANETARIUM'S 75TH ANNIVERSARY

Mr. DURBIN. Mr. President, on Thursday, May 12, 2005, the Adler Planetarium, the first planetarium in America and in the Western Hemisphere, will mark its 75th anniversary.

Max Adler recognized a need to exhibit artifacts from the history of astronomy to the public, and so he founded the Adler Planetarium and Astronomy Museum in 1930. Originally, it housed a collection of about 500 astronomical, navigational, and mathematical instruments that would become the foundation for Alder's History of Astronomy Collection. Today, this collection has grown to almost 2000 astronomical artifacts dating from the 12th to the 20th centuries. Included in this collection is the world's oldest known window sundial from 1529; a telescope made by William Herschel, the astronomer who discovered Uranus; and a collection of rare books comprising more than 2000 volumes, some of which were printed before the 1500s.

Over the past 75 years, the Adler's history has been marked by several milestones. In 1933, light from the star Arcturus was successfully converted into electrical signals that turned on the lights for the opening ceremonies of the 1933 Century of Progress Exposition. In 1964, the Adler Planetarium partnered with the National Science Foundation and began offering the Astro-Science Workshop, a program designed to challenge Chicago area high school students who demonstrate an exceptional aptitude for science.

In 1999, the Adler Planetarium underwent renovations that produced the Sky Pavilion, a 60,000 square-foot glass-enclosed addition that includes five new exhibit galleries and a café overlooking the lakefront and the Chicago skyline. The highlight of this renovation is the StarRider Theater, which, through the use of state-of-the-art computer projection technologies and a sophisticated audience participation system, creates a 3–D virtual reality experience for all those who visit.

Earlier this year, the Adler Planetarium was selected by NASA as the education partner for the Interstellar Boundary Explorer mission to be launched in 2008. This mission will examine the characteristics of the region of space between the solar system and deep space where the solar wind protects Earth and the rest of the solar system from cosmic radiation.

I know that my colleagues join me in congratulating the Adler Planetarium on this important day. I hope all who are involved with the Planetarium will take pride in their important work as they celebrate this anniversary, and I wish them continued success in the years to come.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS ROBERT W. MURRAY JR.

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Westfield. Robert Murray, 21 years old, died on April 29 when a bomb exploded beside his vehicle during a reconnaissance mission in Tal Afar. With his entire life before him, Robert risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Westfield High School in 2002, Robert attended Indiana State University where he studied aviation management. He was a licensed pilot and a musician who decided to join the Army because of family history and a sense of patriotism and duty after the tragic events of 9/11. Friends and colleagues remember him as a determined and well-liked individual with a good sense of humor. His mother Katrina Murray released a statement praising her son's heroism, saying, ''From an early age, Robert wanted to enter the military. This was the path he chose, and I want to honor his choice by remembering him as a hero who served his country proudly and made the ultimate sacrifice. He will be missed by our entire family and his many friends. He brought so much joy and laughter.'' I stand here today to express the same sentiments of pride in this young Hoosier and gratitude for his sacrifices and for those made by the Murray family on behalf of our country.

Robert was killed while serving his country in Operation Iraqi Freedom. He was assigned to the 2nd Squadron, 3rd Armored Cavalry Regiment, based in Fort Carson, CO. This brave young soldier leaves behind his father Robert W. Murray Sr. his mother Katrina and his two sisters.

Today, I join Robert's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Robert, a memory that will burn

brightly during these continuing days of conflict and grief.

Robert was known for his dedication to his family and his love of country. Today and always, Robert will be remembered by family members, friends, and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Robert's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Robert's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Robert W. Murray, Jr. in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Robert's can find comfort in the words of the prophet Isaiah, who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Robert.

PRIVATE FIRST CLASS DARREN DEBLANC

Mr. BAYH. Mr. President, I also rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Evansville. Darren DeBlanc, 20 years old, died on April 29 when a roadside bomb exploded during his patrol in Baghdad. With his entire life before him, Darren risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2003 graduate of Reitz High School, Darren was only 2 weeks away from returning home to Evansville when this tragedy occurred. In March, he had been decorated for his bravery in Iraq with a Purple Heart, after surviving an earlier bomb attack. Darren had a carefully laid plan for his life: he intended to finish his 3-year commitment to the Army, then take classes in law enforcement in the hopes of boosting his application to join the Evansville police force with his brother. Friends and family recount that he was an outgoing, driven, and personable young man with a promising future ahead of him. His mother Judy Woolard told a local television station, ''I know if he is looking down on us, he is very proud with the way his life ended because if he was to go, this was the way, trying to help other people.'' I stand here today to express Indiana's gratitude for Darren's sacrifices and for those made by his family on behalf of our country.

Darren was killed while serving his country in Operation Iraqi Freedom. He was assigned to the 10th Mountain Division, based out of Fort Drum, New York. This brave young soldier leaves behind his father Michael DeBlanc, Sr., his mother Judy Woolard, and his older brother Michael DeBlanc, Jr.

Today, I join Darren's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Darren, a memory that will burn brightly during these continuing days of conflict and grief.

Darren was known for his dedication to his family and his love of country. Today and always, Darren will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Darren's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Darren's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Darren DeBlanc in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Darren's can find comfort in the words of the prophet Isaiah, who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Darren.

WOMEN'S HEALTH OFFICE ACT

Ms. SNOWE. Mr. President, this is National Women's Health Week, and it is certainly fitting to take stock of both our successes in promoting women's health while looking at the challenges ahead.

Historically, women's health care needs have been poorly understood. While the obvious differences between the sexes are indisputable, it was assumed that those differences had limited implications, resulting in women being systematically excluded from health research studies. Too often, only men were studied and considered the health care ''norm'' for both genders.

Of course, for a few diseases such as ovarian or breast cancer, the study of women was an absolute requirement. However, for so many others, women were excluded. Sometimes we heard that it would cost more to include women in trials because more participants would need to be enrolled—since research results would need to be analyzed separately for both men and women. That certainly sounds like a recognition that men and women can differ quite substantially.

As researchers have looked, they have found so many times where a single difference between the sexes has so many other ramifications for health and disease. For example, because every child is genetically unique and different from both parents, childbearing requires the ability of a woman to have periods of lowered immunity in her reproductive tract. This is also a major contributor to her susceptibility to gynecologic infections, and it helps explain why women are much more susceptible to sexually transmitted diseases. This is critical knowledge when one is trying to protect women from HIV and that knowledge simply must be reflected in strategies for protecting women.

Remember that men and women differ genetically—that was obvious from our earliest study of genetics . . . an entire chromosome is different. As we learn more about the human genome, and how genes interact, we doubtless will discover more differences which must be reflected in health decisions. There can be no doubt that whenever we fail to see women properly represented in health research, we risk causing major harm. One recent example is so notable.

When one federally funded study examined the ability of aspirin to prevent heart attacks in 20,000 medical doctors, all of whom were men, physicians were left to assume that the protective effect may apply to women as well. So for years physicians have been left to assume that aspirin had the same effect in women but we simply didn't know. Yet we do know that the pattern of heart disease in women is different than in men. Heart disease develops a bit later about 10 years later. Despite this, heart disease kills more women than men, more than either breast or ovarian cancer! So in March of this year when we finally learned that aspirin does not have the same effect in women as in men, we saw more evidence that assuming there is no difference between men and women is no substitute for conducting proper research.

Sex differences in health are so numerous. Osteoporosis is far more common in women—as is depression. While women have the ability to modulate our immunity to bear a child, it is ironic that we suffer far more autoimmune disease than men. For example, 9 of 10 lupus sufferers are women! Drugs and alcohol affect us differently from men as well even a woman's response to anesthesia is different than a man's. So one can see it is a critical problem when we fail to discover such differences. It compromises the quality of health care for more than half of all Americans!

Many of us have worked for years to achieve equal representation of women in health research. Since 1990 when the Society for Women's Health Research was founded, we have had a voice to help us in our effort to promote the inclusion of women in health care research, and to educate all of us about sex differences in health and disease. The Society is to be commended for its tireless efforts to increase our understanding of sex differences.

Today we know that equity does not yet exist in health care, and we have a long way to go. Progress has been made—we have seen an Office of Women's Health established at the NIH, and the research at the Institutes has reflected that representation. In fact, we see that not only women but also children and minorities are being better represented in health research today.

I introduced the Women's Health Office Act to help address the sex-based disparities in research and policy. This legislation provides permanent authorization for offices of women's health in five Federal agencies: the Department of Health and Human Services; the Centers for Disease Control and Prevention; the Agency for Healthcare Research and Quality; the Health Resources and Services Administration; and the Food and Drug Administration. Currently, only two women's health offices in the Federal Government have statutory authorization: the Office of Research on Women's Health at the National Institutes of Health and the Office for Women's Services within the Substance Abuse and Mental Health Services Administration.

With some offices established, but not authorized, the needs of women could be compromised without the consent of Congress. We must create statutory authority for these offices, to ensure that health policy flows from fact, not assumption. Improving the health of American women requires a far greater understanding of women's health needs and conditions, and ongoing evaluation in the areas of research, education, prevention, treatment and the delivery of services and passage of this legislation will help ensure that.

I call on my colleagues to join me in supporting this legislation, which will ensure better health for our mothers, our sisters, our daughters, here and abroad.

Thank you, Mr. President.

NATIONAL HEPATITIS B AWARENESS WEEK

Mrs. FEINSTEIN. Mr. President, I rise today to recognize the week of May 9, 2005 as National Hepatitis B Awareness Week.

I thank Senator SANTORUM, who introduced this resolution with me, as well as Senators SPECTER, STABENOW, INOUYE, and DURBIN who cosponsored it.

In the United States today, more than 1.25 million Americans are infected with hepatitis B. Chronic hepatitis B is often called a ''silent disease'' because more than two-thirds of patients infected with the disease have no symptoms or their symptoms go unrecognized.

Chronic hepatitis B infection is a potentially life threatening disease that may lead to cirrhosis of the liver, liver failure and liver cancer. More than half a million people worldwide die each year from primary liver cancer, and up to 80 percent of primary liver cancers are caused by chronic hepatitis B. In the United States, more than one million people have developed chronic hepatitis B infection and more than 5,000 Americans die from hepatitis B and hepatitis B-related liver complications each year.

Despite these alarming statistics, however, it is estimated that only a small percentage of chronic hepatitis B patients are currently receiving treatment for their disease. Approximately 15 to 40 percent of chronically infected hepatitis B patients will develop liver disease due to long-term exposure. Of chronic hepatitis B patients who develop cirrhosis, almost half of them may die within five years because of the high risk of liver cancer associated with the progression of the disease.

Upon closer examination of hepatitis B, researchers have found alarmingly disproportionate rates of infection among Asian Pacific Islanders and African Americans. In the U.S., as many as one out of ten Asian Pacific Islanders Americans are chronically infected with the hepatitis B virus.

California has initiated a number of programs to ensure that we are working to stop the transmission of Hepatitis B through vaccine programs and disease management programs intended to make living with the disease more comfortable.

I recognize the Association of Asian Pacific Community Health Organizations, AAPCHO, which is based in Oakland, CA, and the partners across the country with whom they are working to demystify and educate citizens about hepatitis B.

During National Hepatitis B Awareness Week, the ''AIM for the B: Awareness, Involvement and Mobilization for Chronic Hepatitis B'' campaign will consist of a series of local awareness forums and educational roundtables featuring doctors, patients and families and patient advocates. Two will be held in California—one in San Francisco and one in San Jose—in addition to various other sites around the country to raise awareness and open the dialogue about chronic hepatitis B, prevention, disease management, and future advances.

It is my hope that National Hepatitis B Awareness Week will raise the profile of hepatitis B, facilitate open dialogue about what we can do in our families and communities to stop the transmission of this disease and arm ourselves with the knowledge to fight back against hepatitis B.

We possess the weapons to combat hepatitis B, including vaccination and treatment. For those infected, treatment options exist that are designed to stop the progression of liver disease and reduce liver damage. As we recognize National Hepatitis B Awareness Week, I encourage Americans who may be at risk for chronic hepatitis B to get tested for the disease, and physicians and patients to understand there is a large group of patients who do need treatment right now.

I ask my colleagues to join me in recognizing the great strides made in hepatitis B awareness and treatment and acknowledge the ongoing battle during National Hepatitis B Awareness Week.

IN MEMORY OF MIGUEL CONTRERAS

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to my friend and fellow Californian Miguel Contreras, secretary-treasurer of the Los Angeles County Federation of Labor, AFL–CIO who died suddenly of a heart attack on Friday, May 6 at the age of 52.

Working families and the Latino community lost a great champion with the passing of Miguel Contreras.

As the son of migrant farmworkers Miguel also labored in the agriculture fields of California. Yet through his passion to ensure equity and fairness for workers, Miguel advanced to become one of the premier leaders in the local, State, and national labor movement.

As a young man Miguel worked with Cesar Chavez of the United Farm Workers Union to organize farm workers to secure improved working conditions and better wages.

In 1996, Miguel became the executive secretary-treasurer of the Los Angeles County Federation of Labor, AFL–CIO.

Under his leadership the Los Angeles County Federation of Labor grew to become a powerful voice for working men and women of Los Angeles County.

Miguel was the driving force behind the transformation of an organization that went from a union of 125,000 members to a multi-ethnic coalition of union workers now nearly 800,000 strong.

Through his leadership Miguel led a union-sponsored grass roots political drive that played a significant role in deciding the outcome of five Los Angeles congressional seats and countless state and local races.

Miguel tirelessly spent his life working to empower others, no matter their station in life.

While Miguel Contreras may be remembered most for his tenacity as a labor leader and role model for the Latino community, his efforts to secure a better future for American workers everywhere will live on.

My deepest sympathy goes out to his wife Maria Elena Durazo and their two sons, Michael and Mario.

Mrs. BOXER. Mr. President, I am deeply saddened to inform you of the passing of Miguel Contreras, secretary-treasurer for the Los Angeles County Federation of Labor, AFL–CIO. I would like to take a few moments to recognize the many important accomplishments of Miguel Contreras and the tremendous impact he made on the labor movement.

Miguel led the Los Angeles County Federation of Labor for nearly a decade. During his tenure, he continuously fought for the rights of laborers, and did so with great success. Through his guidance and leadership, The Los Angeles County Federation of Labor entered a period of unprecedented advancement and success.

Miguel Contreras was a man with humble beginnings. The son of farm workers, he began working in the fields of California's Central Valley at a very young age. With his early exposure to the difficult life of a farm worker, he quickly joined the ranks of political activists in labor as a volunteer with the United Farm Workers of America. He stood with Cesar Chavez and the UFW during their national grape boycott, and continued the fight for workers for the remaining years of his life.

In 1996, Miguel Contreras became the first Latino to win the post of secretary-treasurer for the Los Angeles County Federation of Labor, AFL–CIO—comprising 350 local unions and more than 800,000 members. Under his leadership, The Los Angeles County Federation of Labor had seen phenomenal growth. He coordinated many successful labor rights victories including the labor dispute of 2000 when 8,500 janitors from Service Employees International Union, SEIU, Local 1877 fought for and won a higher standard of living and better working conditions.

Fighting for the rights of laborers was at the core of Miguel Contreras' beliefs, an attribute which made him a great leader for laborers throughout the State of California. He cared about regular people and timelessly worked for their welfare.

I invite all of my colleagues to join me and the many mourning members of the labor community in recognizing and honoring Miguel Contreras for his guidance and life-long effort in fighting to improve the lives of laborers. He is survived by his wife Maria Elena Durazo and two sons, Michael and Mario.

RECOGNIZING LISA GUILLERMIN GABLE

Mr. ALLEN. Mr. President, I am pleased today to recognize and thank Ambassador Lisa Guillermin Gable of Virginia for her valued leadership as the United States Commissioner General to the 2005 World Exposition in Aichi, Japan.

The World Expo 2005 features national pavilions from 125 participating countries. Under the leadership of Ambassador Gable, the not-for-profit and privately funded organization, Aichi USA 2005, has successfully designed and built the U.S. Pavilion, which will be open to the public in Nagoya, Japan, through September 25, 2005. The showcase at the United States' pavilion honors America's first diplomat and innovator, Benjamin Franklin. The pavilion showcase promotes America's core values of hope, optimism, enterprise and freedom.

Under Ambassador Gable's stewardship, the U.S. Pavilion and related cultural activities were successfully and fully funded with 100 percent non-Federal financing. The hard work of this distinguished resident of the Commonwealth of Virginia will help promote U.S. economic development by fostering business relationships between Japan and the many participating countries and state sponsors.

I express my appreciation and thanks to Ambassador Lisa Guillermin Gable, U.S. Commissioner General to the World Expo, as named by President George W. Bush, for leading the way in making possible the United States' participation in the first world's fair of the 21st Century.

26 YEARS OF DEDICATED FEDERAL SERVICE

Mr. CRAPO. Mr. President, as Members of Congress, we have the unique opportunity to participate in special exchange programs in which talented individuals from other branches of government can work temporarily in our offices as legislative fellows or detailees. These initiatives promote efficiency in the business of government by developing mutually beneficial relationships between the executive and legislative branches of government.

As Members, we have the opportunity to meet these experts and benefit from their insight, knowledge and experience. One such expert in my office just celebrated 26 years of service to the USDA Forest Service. Kenneth Karkula is currently serving a 1-year fellowship in my office through the Brookings Institute. Building on his extensive experience, he has made invaluable contributions to several issues important to Idaho in the area of natural resources, the environment and energy. In the short time since his arrival, he has become an invaluable asset to my staff, filling in during recent permanent staff vacancies and being willing to do whatever is asked of him.

Ken is on detail from his position as National Concessions Program Manager for the Forest Service. His public service career started when he fought wildland fires in the late 1970s to the mid-1980s. He then served as a District Resource Staff Officer in Arizona and New Mexico and, in 1992, moved to the position of Forest Recreation Staff Officer in Lake Tahoe, CA. In 1996, he took his current position at the USDA Forest Service Headquarters, a tremendous culmination of many hard-working years. Ken's knowledge of U.S. environmental and Federal land management policies, coupled with his experience in on-the-ground implementation of these policies over the years, gives him a unique and critical perspective of Federal land management issues that benefit me as I help explore updating and enhancing decades-old environmental policies and practices.

I congratulate Ken on his many years of successful work and dedication to the American public.

ADDITIONAL STATEMENTS

IN RECOGNITION OF THE NEW ISLAMIC CENTER OF AMERICA

• Mr. LEVIN. Mr. President, I would like to take this opportunity to pay tribute to The Islamic Center of America, one of the first Islamic institutions in North America. On May 12, the Center will celebrate the completion of its new mosque complex in Dearborn, which will have the distinction of being the largest mosque in the United States. The festivities will continue with a grand banquet to be held on May 14. These events will bring together Muslims, as well as many others, from Michigan and around the country.

The Islamic Center of America traces its origin to the 1940s when Muslim immigrants from Lebanon and Syria began settling in Detroit and thus sought to bring a religious leader from the Middle East to the Detroit area to serve their community. A young author and scholar, Imam Mohammed Jawas Chirri, was the choice, arriving from Lebanon in February 1949. When the newly-formed Islamic Center Foundation Society was established in 1954, Imam Chirri became its new leader and soon after they decided to build a new religious center.

In his efforts to raise funds for the new center, Imam Chirri visited Egypt in 1959 and successfully secured support for the project. The Society purchased land owned by the Ford Motor Company located on Joy Road and Greenfield in Detroit. On September 20, 1963, the Islamic Center of America first opened its doors. The building consisted of a large domed prayer room, lecture hall, kitchen, offices, and two classrooms. Following the opening of the mosque, families of the Islamic Center began to move into the area. By 1967, the Center had already outgrown

this space. Additional classrooms, an enlarged social hall, and a minaret were added to serve the growing membership.

In 1997, Imam Hassan Al-Qazwini, his wife and their three children moved from California to Detroit to join The Islamic Center of America. Under his leadership and guidance, the Center has continued to flourish. Outgrowing the location on Joy Road, the Center began construction of a new religious center on Ford Road in Dearborn in 1999, near the Center's existing grade school, the Muslim American Youth Academy. The new mosque, which is located along a stretch of Ford Road that is home to several churches, including St. Sarkis Armenian Apostolic Church, St. Clement Ohridski Orthodox Church, Warrendale Community Church, St. Thomas Aquinas Roman Catholic Church, and Prince of Peace Lutheran Church, which is also home to People of the Book Arab Christian Church, will be the largest in the United States. At an estimated cost of between $8,000,000 and $10,000,000, the new mosque complex will accommodate 1,000 individuals at prayer time, and will house a large auditorium, social hall, and 14 additional rooms for the school.

I know my colleagues join me in congratulating The Islamic Center of America on this significant achievement and in recognizing its many years of service to the Muslim American community in Michigan.●

TRIBUTE TO DR. GERALD ''CARTY'' MONETTE

● Mr. President, I rise to pay tribute to an extraordinary scholar, leader, and friend, Dr. Gerald ''Carty'' Monette.

For more than 30 years, Dr. Monette, a member of the Turtle Mountain Band of Chippewa, has been a leader in the tribal college movement nationwide, and more specifically, at Turtle Mountain Community College in Belcourt, ND. When the college opened its doors on the reservation in 1972, Dr. Monette served as its director, and in 1978 he assumed the presidency of the institution.

During his tenure, Dr. Monette spearheaded an incredible transformation of the college with an added result of his determination being a remarkable increase in the ability of all American Indians to gain access to higher education opportunities. In 1973, under his leadership, Turtle Mountain Community College joined with five other tribal colleges to create the American Indian Higher Education Consortium—AIHEC—to provide a support network for member institutions. Today, AIHEC is composed of tribal colleges and universities located in 13 States, serving American Indian students from over 250 federally recognized tribes.

Prior to the opening of Turtle Mountain Community College, those living on the reservation had no access to higher education. Unemployment and high school dropout rates were both very high. The college started from very humble beginnings, offering its first courses on the third floor of an abandoned Catholic convent, with less than 60 students and only three full-time faculty members. Today, it has grown to serve over 650 students, with more than 150 courses and 65 full- and part-time faculty members, which is due in large part to Dr. Monette's dedication and leadership.

One of the many highlights of Dr. Monette's professional life was realization of his vision for a new campus for the college. He led the effort to secure the needed funds to construct the facility, which is located on a 123-acre site. The 105,000 square-foot facility includes state-of-the-art technology, general classroom space, science and engineering labs, a library, learning resource center, and a gymnasium. This beautiful new campus stands as a shining testament to Dr. Monette's untiring dedication to the cause of increasing access to postsecondary opportunities in Indian Country.

Under Dr. Monette's leadership, Turtle Mountain Community College also expanded from an institution of higher learning to one of the community's pillars of economic development and opportunity through the creation of the Center for New Growth and Economic Development. Working with tribal leadership, the center has embarked on several projects to strengthen the community's ability to grow and become more economically independent. Some of the many projects taken on by the center include a very successful wind energy program, a review of the tribe's constitution, a school reform initiative designed to improve student performance, and a program to reintroduce traditional Native American foods into the diets of tribal members, which will yield tremendously positive health benefits.

Dr. Monette has been a true agent of positive change in the lives of thousands of students who have passed through Turtle Mountain Community College during his tenure. He has been a true champion for higher education and a powerful national advocate for the tribal colleges. His passion is infectious, and he has motivated everyone to reach to their goals no matter how small or large.

Dr. Monette has dedicated his life's work to the greater good. After 27 years as president of Turtle Mountain Community College, he has decided to commence his well-deserved retirement, but he leaves behind a lasting legacy that will stand for many generations. We owe Dr. Monette a debt of gratitude, and I wish him and his family all the very best.●

HONORING HAMILTON SOUTHEASTERN HIGH SCHOOL

● Mr. BAYH. Mr. President, today I pay tribute to an extraordinary class of students from Hamilton Southeastern High School in Fishers. These outstanding young Hoosiers competed against 50 other schools from across the Nation and won honorable mention as one of the top ten finalists in the We the People: The Citizen and the Constitution national finals in Washington, D.C.

The motivation displayed by these students will no doubt lead them along the path to becoming some of our country's future leaders.

It is my honor to enter the names of Ryan Arnold, Natasha Arora, Kelsey Buckingham, Ricardo Doriott, Eddie Gillham, Worthe Holt III, Carolyn Homer, Kyle Lymberopoulos, Ashley Martin, Michael Matern, Allison Nimtz, Alex Orlowski, Laura Peregrim, Jennifer Wardell, Brian White and Marissa Wills in the official RECORD of the Senate for their remarkable understanding of the fundamental ideals and values of American government.

I also want to take a moment to salute Jill Baisinger, these students' teacher, for her clear commitment to encouraging the curiosity and development of our Hoosier youth and furthering their understanding of American Government.●

A TRIBUTE TO DR. GERALD ''CARTY'' MONETTE

● Mr. DORGAN. Mr. President, my colleagues have often heard me speak on this floor about tribal colleges that provide higher education to the residents of this country's Indian reservations. For over 30 years, these institutions have brought hope and opportunity to thousands of students who otherwise would not have had the chance to seek an education beyond high school.

There is a reason why the Nation's tribal colleges consistently manage to achieve more with less than any other educational institutions in the United States—talented and committed leadership. One of those leaders, Dr. Gerald ''Carty'' Monette, has been part of the tribal college movement since its inception. As the president of Turtle Mountain Community College since 1978, he has seen his institution grow from a handful of students gathering in an abandoned convent and a series of trailers in Belcourt, ND, to an enrollment of 650 meeting in a state-of-the-art building in a setting that reflects the sacred grounds of the Turtle Mountain Band of Chippewa.

Dr. Monette's modest and self-effacing manner belies a strong and determined leader who has inspired hundreds of graduates of Turtle Mountain Community College. He had an early understanding of the ... relationship between education, economic development, and community partnerships. As a result, the college today boasts the Center for New Growth that is a regional center for economic development; he wanted the College to have energy independence and today there is a wind and geothermal energy center at the College.

Not only has Dr. Monette been a leader at Turtle Mountain, he has been a national leader as one of the founders of the American Indian Higher Education Consortium, AIHEC, and has served several terms as presidents of the consortium. AIHEC has been the heart and soul of the tribal college movement and under Dr. Monette's leadership it began an aggressive telecommunications initiative that is enhancing communities throughout Indian country.

As Dr. Monette prepares to apply his leadership and vision to other educational pursuits, I wish him and his wife, Dr. Loretta DeLong, a Turtle Mountain Community College graduate, the very best. He has left a lasting legacy for his fellow members of the Turtle Mountain Band of Chippewa and their children. We join them honoring this exceptional man.●

THE MISSOURI MERCHANTS AND MANUFACTURERS ASSOCIATION 25TH ANNIVERSARY

● Mr. BOND. Mr. President, I rise today to pay a special tribute to the Missouri Merchants and Manufacturers Association. I am very pleased to recognize this organization for its 25 years of superior service to the Missouri business community.

The Missouri Merchants and Manufacturers Association was formed in 1980. With hard work and untiring commitment, the MMMA has grown into a strong, well respected voice in the legislative process representing over 5,000 small and mid-sized businesses across the State of Missouri. It is actively involved in educating MMMA members and serving as an advocate on State legislative issues impacting businesses.

While Governor of Missouri, I found that the MMMA's active involvement in State legislative issues provided a vital resource. As chairman of the Committee on Small Business, I highly value the insights they have shared on numerous issues of great importance to America's business. MMMA is a vital link in spearheading the causes of small business.

Over the past 25 years the MMMA has been instrumental in repealing the Merchants and Manufacturers Inventory Tax. The association has assisted in the passage of more than 35 bills in addition to winning three lawsuits before the Missouri Supreme Court. Collectively the MMMA's achievements have saved small and medium sized businesses more than $400 million.

The quality individuals that comprise the MMMA epitomize the kind of dedication, work ethic and ideals necessary to meet the ongoing challenges and demands of the business community. Their leadership has influenced passage of important legislation and provided dependable resources in many court cases to benefit employers. The Missouri Merchants and Manufacturers Association celebrated its 25th anniversary on January 7, 2005. It is my great pleasure to congratulate the MMMA for this significant accomplishment.●

HONORING RIVERSIDE MAYOR RON LOVERIDGE

● Mrs. BOXER. Mr. President, I rise today to recognize the leadership and service of Ronald O. Loveridge, mayor of the city of Riverside. Mayor Loveridge has been honored as the 2005 Distinguished Citizen of the Inland Empire by the Inland Empire Council of Boy Scouts of America.

As mayor of the city of Riverside, Ron Loveridge lends his time and leadership to many organizations committed to the vitality and progress of his community. Last year, he served the State of California as president of the League of Cities. Among the organizations that have honored him for his impressive record of service are the American Planning Association, the California Preservation Foundation, the United Way, and the Youth Service Center.

In addition to his thoughtful leadership as mayor, Ron Loveridge has given the city of Riverside his personal commitment for 40 years. A professor of political science at the University of California, Riverside, since 1965, Dr. Ron Loveridge has used his knowledge and expertise to enrich students' understanding of and interest in the inner workings of local government. He has provided a model of conscientious citizenship, volunteering his time to advance the endeavors of the Riverside Arts Foundation, the Riverside County Philharmonic, and the Dickens Festival.

In 1998, Mayor Ron Loveridge was meeting with council members and staff in City Hall when a man entered and shot his gun several times. Given the circumstances, it is a miracle that no one was killed. Mayor Loveridge was hit in the back of the neck, the bullet just missing his spinal cord. I met with him just after the shooting and was amazed at his grace and good will following such an event. He has gone on to lead his city in a similar manner, always showing grace and good will even in the toughest of times.

I applaud Ronald Loveridge for his lifetime of public service and am pleased to invite you to join me in congratulating him as he is honored as the Boy Scouts of America Inland Empire Council's 2005 Distinguished Citizen of the Inland Empire.●

RECOGNIZING THE 75TH ANNIVERSARY OF VFW POST 1881

● Mr. THOMAS. Mr. President, I would like to take a few moments today to recognize a very special milestone that will take place in my home State in the coming days. On June 18, 2005, the Veterans of Foreign Wars Post 1881 in Cheyenne, WY will celebrate its 75th anniversary. In 1930, veterans Harry Leon and Earnest Lissner founded VFW Post 1881. With 69 members and 7 honorary members, the first meeting was conducted in a private home in Cheyenne. After a series of moves and 32 years later, VFW Post 1881 established and built its permanent facility at 2816 East 7th Street in 1962.

Since its founding, Post 1881 has grown in membership and has become a lasting positive fixture in the community. The veterans of the Post are a strong pillar of family support for the Active-Duty, Reserve and Guard personnel of F.E. Warren Air Force Base and the State of Wyoming. The members of VFW Post 1881 remain dedicated to our older and ailing veterans with a large contingency of volunteers who visit patients in the VA Medical Center in Cheyenne and Veterans Homes in Buffalo, Wyoming and Scottsbluff, NE. They are strong supporters of the Army Junior Reserve Officer Training Corps, and through private fundraising efforts have built two outstanding softball fields for the Cheyenne Thunder Girls Softball Association. As an exclusive project of the Post, these dedicated veterans offer new American flags to local businesses and individuals at no cost to replace frayed and damaged flags, while properly disposing of the exchanged flags. The Post's Ladies Auxiliary carries on numerous projects benefiting the environment and the community, and independently raises funds for homeless and hospitalized veterans. So it is a distinct honor to come before the Senate and congratulate the veterans of VFW Post 1881 on their 75th Anniversary. I thank them for their dedicated service to their fellow veterans and community and wish them continued success for many more years to come.●

MESSAGE FROM THE HOUSE

At 2:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 366. An act to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act.

MEASURES REFERRED

The following bill was read the second time and referred as indicated:

S. 981. A bill to ensure that a Federal employee who takes leave without pay in order to perform services as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 989. A bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

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–2042. A communication from the Inspector General, Selective Service System, transmitting, pursuant to law, a semi-annual report relative to the Selective Service System's compliance with the Inspector General Act of 1978; to the Committee on Homeland Security and Governmental Affairs.

EC–2043. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled ''Chief Human Capital Officers Council Fiscal Year 2004''; to the Committee on Homeland Security and Governmental Affairs.

EC–2044. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''NARA Facility Locations and Hours'' (RIN3095–AB47) received on May 5, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2045. A communication from the Senior Procurement Executive, National Aeronautics and Space Administration, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–03'' (FAC 2005–03) received on May 3, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2046. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–70, ''Carver 2000 Low-Income and Senior Housing Project Temporary Amendment Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2047. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–69, ''Finance and Revenue Technical Corrections Temporary Amendment Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2048. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–68, ''Fiscal Year 2005 Operating Cash Reserve Allocation Temporary Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2049. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–67, ''Closing, Dedication, and Designation of Public Streets and Alleys in Squares 5246, 5272, 5273, 5276, 5277, 5279, 5280, and 5281, S.O. 02–4088 Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2050. A communication submitted jointly from the Secretary of Energy and the Secretary of Agriculture, transmitting, pursuant to law, a report entitled ''Biomass Research and Development Initiative for Fiscal Year 2003''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2051. A communication from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 1770, Accounting Requirements for RUS Telecommunications Borrowers'' (RIN0572–AB77) received on May 4, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2052. 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 ''Dimethenamid: Pesticide Tolerance'' (FRL No. 7713–4) received on May 8, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2053. A communication from the Chairman, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Borrower Rights'' (RIN3052–AC24) received on May 3, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2054. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Increased Assessment Rate'' (Docket No. FV05–932–1 FR) received May 4, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2055. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Add Malaysia to List of Regions in Which Highly Pathogenic Avian Influenza Subtype H5N1 is Considered to Exist'' (APHIS Docket No. 04–091–1) received on May 4, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2056. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Swine; Add Florida to List of Validated Brucellosis-Free States'' (APHIS Docket No. 05–009–1) received on May 4, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2057. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–2058. A communication from the General Counsel, Office of the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Conversion of Insured Credit Unions to Mutual Savings Banks'' (12 CFR Part 708a) received on May 8, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2059. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Egypt Economic Report for 2004; to the Committee on Foreign Relations.

EC–2060. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–2061. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report entitled ''Engendering Bold Leadership: The President's Emergency Plan for AIDS Relief''; to the Committee on Foreign Relations.

EC–2062. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of an interim rule entitled ''Aliens Inadmissible Under the Immigration and Nationality Act—Unlawful Voters'' ((RIN1400–AC04) (22 CFR Part 40)) received on May 3, 2005; to the Committee on Foreign Relations.

EC–2063. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Cuban Emigration Policies''; to the Committee on Foreign Relations.

EC–2064. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''The Operation of the Enterprise for the Americas Facility and the Tropical Forest Conservation Act''; to the Committee on Foreign Relations.

EC–2065. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Tobacco Prevention and Control Activities in the United States, 2000–2002''; to the Committee on Health, Education, Labor, and Pensions.

EC–2066. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2004 Medical Device User Fee and Modernization Act Financial Report''; to the Committee on Health, Education, Labor, and Pensions.

EC–2067. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Performance Improvement 2004: Evaluation Activities of the U.S. Department of Health and Human Services''; to the Committee on Health, Education, Labor, and Pensions.

EC–2068. A communication from the Chair, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting, pursuant to law, the Annual Report of the activities of the Goldwater Foundation; to the Committee on Health, Education, Labor, and Pensions.

EC–2069. A communication from the Railroad Retirement Board, transmitting a report of proposed legislation relative to the Railroad Retirement Act; to the Committee on Health, Education, Labor, and Pensions.

EC–2070. A communication from the Director, Office of White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, received on May 4, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2071. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Color Additives Certification; Increase in Fees for Certification Services'' (Docket No. 2005N–0077) received on May 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2072. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Glycerol Ester of Gum Rosin'' (Docket No. 2003F–0471) received on May 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2073. A communication from the Regulations Coordinator, Office for Civil Rights, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Amending the Regulations Governing Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, Sex, and Age to Conform to the Civil Rights Restoration Act of 1987'' (RIN0991–AB10) received on May 8, 2005; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 250, a bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act (Rept. No. 109–65).

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 Ms. SNOWE:

S. 984. A bill to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. JOHNSON, and Mr. COCHRAN):

S. 985. A bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 986. A bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 987. A bill to restore safety to Indian women; to the Committee on Indian Affairs.

By Mr. SESSIONS (for himself, Mr. ENSIGN, Mr. MARTINEZ, Mr. CORNYN, Mr. ALLEN, Mr. HATCH, Mrs. HUTCHISON, Mr. LOTT, Mr. ISAKSON, Mr. COCHRAN, Mr. BUNNING, Mr. BURNS, Mr. COBURN, Mr. CHAMBLISS, Mr. INHOFE, Mr. ENZI, Mr. CRAPO, Mr. CRAIG, Mr. GRAHAM, Mr. VITTER, Mr. THUNE, Mr. ALEXANDER, Mr. SUNUNU, and Mr. ALLARD):

S. 988. A bill to permanently repeal the estate and generation-skipping transfer taxes; to the Committee on Finance.

By Mr. DURBIN (for himself and Ms. MIKULSKI):

S. 989. A bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred; read the first time.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 990. A bill to provide a grant program to support the establishment and operation of Teachers Professional Development Institutes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. DURBIN, Mr. HARKIN, and Mr. AKAKA):

S. 991. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to limit the availability of benefits under an employer's nonqualified deferred compensation plans in the event that any of the employer's defined benefit pension plans are subjected to a distress or PBGC termination in connection with bankruptcy reorganization or a conversion to a cash balance plan, to provide appropriate funding restrictions in connection with the maintenance of nonqualified deferred compensation plans, and to provide for appropriate disclosure with respect to nonqualified deferred compensation plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 992. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 993. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on amounts received under certain insurance policies in which certain exempt organizations hold an interest; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. LEAHY, Mr. BROWNBACK, Mr. OBAMA, Ms. MURKOWSKI, and Mr. ALEXANDER):

S.J. Res. 18. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE (for himself, Mr. BOND, Mr. BAUCUS, and Mr. JEFFORDS):

S. Res. 135. A resolution congratulating the National Asphalt Pavement Association on its 50th anniversary and recognizing the contributions of members of the Association to the United States; considered and agreed to.

By Mrs. HUTCHISON:

S. Con. Res. 31. A concurrent resolution to correct the enrollment of H.R. 1268; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 45

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 45, a bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

S. 151

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 224

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 224, a bill to extend the period for COBRA coverage for victims of the terrorist attacks of September 11, 2001.

S. 260

At the request of Mr. INHOFE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 260, a bill to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 347

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 347, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care operations and legal rights for care near the end of life, to promote advance care planning and decision-making so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 365

At the request of Mr. COLEMAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 365, a bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes.

S. 372

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 372, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literacy, musical, artistic, or scholarly compositions created by the donor.

S. 380

At the request of Ms. COLLINS, the names of the Senator from Indiana (Mr. BAYH) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 392

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 441

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 467

At the request of Mr. DODD, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 484

At the request of Mr. WARNER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 515

At the request of Mr. BYRD, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 515, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Youth Challenge Program, and for other purposes.

S. 520

At the request of Mr. SHELBY, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 520, a bill to limit the jurisdiction of Federal courts in certain cases and promote federalism.

S. 558

At the request of Mr. REID, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 576

At the request of Mr. BYRD, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 576, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

S. 601

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 601, a bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 619

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 621

At the request of Mr. CONRAD, the names of the Senator from New York (Mrs. CLINTON) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 621, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements.

S. 627

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CRAPO) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 650

At the request of Mr. LUGAR, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 650, a bill to amend the Clean Air Act to increase production and use of renewable fuel and to increase the energy independence of the United States, and for other purposes.

S. 675

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 675, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 722

At the request of Mr. SANTORUM, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 722, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 737

At the request of Mr. CRAIG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 737, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 751

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 751, a bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information.

S. 770

At the request of Mr. LEVIN, the names of the Senator from Maryland

(Mr. SARBANES) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 784

At the request of Mr. THOMAS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 784, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 792

At the request of Mr. DORGAN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 792, a bill to establish a National sex offender registration database, and for other purposes.

S. 806

At the request of Mr. CRAIG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 806, a bill to amend title 38, United States Code, to provide a traumatic injury protection rider to servicemembers insured under section 1967(a)(1) of such title.

S. 811

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. LUGAR) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 843

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 859

At the request of Mr. SANTORUM, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 859, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 936

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 936, a bill to ensure privacy for e-mail communications.

S. 962

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 967

At the request of Mr. LAUTENBERG, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 967, a bill to amend the Communications Act of 1934 to ensure that prepackaged news stories contain announcements that inform viewers that the information within was provided by the United States Government, and for other purposes.

S. RES. 33

At the request of Mr. LEVIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 33, a resolution urging the Government of Canada to end the commercial seal hunt.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 984. A bill to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today to speak on the issue of currency policies and to offer a bill, the Fair Currency Practices Act of 2005, that will address key concerns regarding the Treasury Department's statutory review and reporting requirements on currency manipulation. In particular, this bill strengthens Treasury's hand in addressing currency manipulation, including the current practices of countries such as China.

Through the practice of pegging its currency to the dollar, China artificially maintains the yuan, at 8.28 per dollar. While economists differ over the extent that China's currency is undervalued, it is often estimated to be undervalued by as much as fifteen to forty percent, rendering Chinese manufactured goods cheaper in the U.S.—and U.S. manufactured goods more expensive in China.

China's deliberate and unfair currency practices have contributed to our Nation's trade deficit with China, reaching a record $162 billion last year. The yuan's undervaluation has had a profound impact on our Nation's manufacturing sector—particularly on U.S. manufacturing employment.

As Chair of the Senate Committee on Small Business and Entrepreneurship, Co-Chair of the Senate Task Force on Manufacturing, and a Senator from a State with a rich history in manufacturing, I am keenly aware of this issue's importance. Indeed, our manufacturers—who are integral to our economic security and national defense—unjustifiably struggle to compete with countries that disregard their international obligations.

The U.S.-China Economic and Security Review Commission released a report today, which focuses on China's exchange rate problem. In the report, the Commission notes that foreign exchange markets are sending clear signals that China should revalue its yuan, and that in recent years all major currencies have adjusted upward with the exception of China's. The Commission explains that an appreciation of foreign currencies is needed to help correct the U.S. current account deficit.

In the report, the Commission discusses the value of improving the process by which the Treasury Department assesses and reports upon the issue of foreign countries' currency manipulation. The legislation that I offer today, which is cosponsored by Senator DOLE, makes substantial improvements to that process.

Chair MANZULLO, my counterpart in the House of Representatives is offering this bill today in the House. I thank him for his leadership on issues affecting our Nation's small businesses, and particularly for his efforts on behalf of our Nation's manufacturers.

Specifically, the legislation amends the Exchange Rates and Economic Policy Coordination Act of 1988, to clarify that a country is manipulating its currency if it is engaged in ''protracted large-scale intervention in one direction in the exchange market.''

The legislation also amends the 1988 Act to eliminate the necessity that a country have both a material global current account surplus and a significant bilateral trade surplus with the United States, before the Secretary of the Treasury is required to enter into negotiations with the offending country to end its unfair practices. The change requires such negotiations if there is either a material global current account surplus or a significant bilateral trade surplus with the United States.

Currently, the Treasury Department, the International Monetary Fund, and others rely largely upon suspect Chinese data in determining China's trade balance with other countries. The legislation's final provision instructs the Treasury Department to undertake an exercise examining China's trade surplus. The investigation would include an analysis of why China's reported trade surplus with the U.S. and other countries differs from that reported by China's trading partners. The legislation requires that the Treasury Department submit a report of its investigation to Congress.

Representative MANZULLO and I will continue to collaborate on addressing unfair currency practices by offending countries. We Are both well aware of the negative effects these practices have on our Nation's small businesses. One of our combined efforts commissioned a General Accounting Office study which examined issues related to foreign government manipulation of world currency markets. That study is expected to be released soon.

As in the past, I will continue to strive to draw greater attention to the effects of China's currency practices

and to find solutions that enable our domestic industries to compete on a level and fair playing field.

I ask unanimous consent that the text of the bill and that a section-by-section summary of the bill be printed in the RECORD.

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

S. 984

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 ''Fair Currency Practices Act of 2005''.

SEC. 2. AMENDMENTS RELATING TO INTERNATIONAL FINANCIAL POLICY.

(a) BILATERAL NEGOTIATIONS.—Section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)) is amended in the second sentence by striking ''and (2)'' and inserting ''or (2)''.

(b) DEFINITION OF MANIPULATION.—Section 3006 of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5306) is amended by adding at the end the following:

''(3) MANIPULATION OF RATE OF EXCHANGE.—For purposes of this Act, a country shall be considered to be manipulating the rate of exchange between its currency and the United States dollar if there is a protracted large-scale intervention in one direction in the exchange markets. The Secretary may find that a country is manipulating the rate of exchange based on any other factor or combination of factors.''.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury shall undertake an examination, and submit a report to Congress, regarding the trade surplus of the People's Republic of China. The Secretary shall examine why the trade surplus with the United States and other countries reported by the People's Republic of China differs from the trade surplus reported by the other countries. The report shall also quantify the differences between the trade surplus reported by the United States and other countries and what is reported by the People's Republic of China.

LEGISLATION ADDRESSING CHINA'S CURRENCY MANIPULATION

Background: The Exchange Rates and International Economic Policy Coordination Act of 1998 (the 1998 Act) requires that Treasury regularly make a determination of whether countries are manipulating the rate of exchange between their currency and the U.S. dollar for purposes of preventing effective balance of payments adjustments or gaining an unfair competitive advantage in international trade. If the Secretary of Treasury considers that such manipulation is occurring with respect to countries that (1) have material global current account surpluses; and (2) have significant bilateral trade surpluses with the United States, the Secretary is required to take action to initiate negotiations with such foreign countries on an expedited basis.

Section 1—Short Title—This Act will be known as the Fair Currency Practices Act of 2005.

Section 2—Amendments Relating to International Financial Policy.

(a)—Amends the Trade Act to eliminate the necessity that a country have both a material global current account surplus AND a significant bilateral trade surplus with the United States, before the Secretary of the Treasury is required to enter into negotiations with the offending country to end its unfair practices. The change requires such negotiations if there is either a material global current account surplus *OR* a significant bilateral trade surplus with the United States.

Reasoning: Under current law, even if manipulation was found, Treasury would not be required to act unless the offending country has a significant bilateral trade surplus with the U.S. AND a material global current account surplus. The U.S.-China Economic and Security Review Commission recommended in its 2004 Report to Congress that the material global current account surplus condition not be required.

(b)—Amends the 1988 Act to clarify that a country engaged in ''protracted large-scale intervention in one direction in the exchange market'' is manipulating its currency. This language derives from the International Monetary Fund's (IMF) Principles for Fund Surveillance Over Exchange Rate Policies.

Reasoning: Treasury repeatedly fails to make a determination that China is manipulating its currency and the Trade Act does not specifically define ''manipulating.'' This provision clarifies that a country engaged in ''protracted large-scale intervention in one direction in the exchange market'' is manipulating its currency. The provision does not preclude the Secretary of Treasury from finding a country to be manipulating its rate of exchange based on any other factor or combination of factors.

(c)—Requires that Treasury undertake an examination of China's trade surplus and report on its findings. The Department of Treasury should investigate why China's reported trade surplus with the U.S. and other countries differs from that reported by the trading partner countries. The report should quantify these differences so that policy makers will be better able to understand the facts behind China's trade surplus.

Reasoning: Treasury and the IMF use official Chinese statistics when determining China's global current account and trade balances. China's global current account and trade balance statistics differ markedly from the aggregate statistics of its trading partners. This results in an inaccurate depiction of China's true surplus, which is presumably much larger than reported by China.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. JOHNSON, and Mr. COCHRAN):

S. 985. A bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise today to re-introduce the Kinship Caregiver Support Act with my friend and colleague, Senator OLYMPIA SNOWE. I would like to acknowledge Senators TIM JOHNSON and THAD COCHRAN who are original co-sponsors of this legislation.

Over the weekend, America celebrated Mother's Day, a special day when we honored our mothers, whose love and nurturing sustains us throughout our lives. Mother's Day offers a wonderful opportunity to honor the millions of mothers who offer the gifts of love and nurturing for children in need. They give so much to the most vulnerable among us, and too often they go unnoticed and unthanked. Many of these women earn the title of Mother not through biology, but by their unconditional love for children.

In New York alone, more than 500,000 children are cared for by non-parent relative caregivers. Nationwide, grandparents head 4.5 million households and other relatives head another 1.5 million households. Linda James of Rochester, NY is one such mother. She became a second-time mother at the age of 41 when her granddaughter Jasmine was born prematurely and her daughter, Jasmine's mother, was unable to care for her daughter. When the hospital needed authorization to perform an emergency operation on tiny Jasmine, Linda stepped in and assumed responsibility. Since that day, Linda has been Jasmine's only resource for stability and happiness.

Over time, Linda, like many relative caregivers, faced many challenges as she tried to raise Jasmine. Simple tasks such as enrolling her in school and securing health insurance were daunting because she had trouble finding basic information about how to approach the process. Linda made many sacrifices to ensure Jasmine's success, even taking a leave of absence from her job so she could give Jasmine the constant medical attention she required, but she often felt like the cards were stacked against her. Emotionally, physically, and financially, the experience of raising little Jasmine was nothing short of exhausting.

Kinship caregivers like Linda are often the best chance for a loving and stable childhood for the children in their care, but Federal law does little to support these families. In fact, unless a child's parents relinquish their parental rights, and the relative caregivers become adoptive parents, kinship caregivers are no different from strangers in the eyes of Federal law.

In these sad cases, children often linger in foster care unnecessarily while a stable, permanent, loving option is overlooked.

That is why Senator SNOWE and I are introducing The Kinship Caregiver Support Act. This proposal will provide relative caregivers with the information and assistance they need to thrive as non-traditional families. This bill will link kinship families with localized information about the services and support available to them. By creating one-stop centers for kinship caregivers, this bill will provide essential support that will keep these families afloat. This legislation will also allow States to use their Federal foster care funds to provide kinship caregiver assistance payments for children languishing in foster care while a kinship caregiver stands ready to step in.

At this time of year, when we remember and honor our mothers, let us also remember the contributions that unconventional mothers make, mothers who each and every day go above and beyond the call of duty to help some of the most vulnerable of our children.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 987. A bill to restore safety to Indian women; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, today I am introducing ''The Restoring Safety to Indian Women Act'' and I look forward to working with the Committee on the Judiciary to ensure that the provisions of this bill are given consideration, particularly as the reauthorization of the Violence Against Women Act moves forward. I also wish to thank Senator BYRON DORGAN for cosponsoring this legislation and for his dedication to addressing the health and welfare needs of Indian tribes.

This legislation creates a new Federal criminal offense authorizing Federal prosecutors to charge repeat domestic violence offenders before they seriously injure or kill someone and to use tribal court convictions for domestic violence for that purpose. It authorizes the creation of tribal criminal history databases to document these convictions and protection orders for use by all law enforcement. The bill authorizes BIA and tribal officers to make arrests for domestic violence assaults committed outside of their presence and would authorizes a comprehensive study of domestic violence in Indian Country to determine its impact to Indian tribes.

The 1994 Violence Against Women Act has had a tremendous impact on raising the national awareness of domestic violence and providing communities, including Indian tribes, the resources to respond to the devastating impact of domestic violence. National studies show that one in four women are victims of domestic violence. Since 1999, the Department of Justice has issued various studies which report that Indian women experience the highest rates of domestic violence compared to all other groups in the United States. These reports state that one out of every three Indian women are victims of sexual assault; that from 1979 to 1992, homicide was the third leading cause of death of Indian females between the ages of 15 to 34 and that 75 percent of those deaths were committed by a family member or acquaintance. These are startling statistics that require our close examination and a better understanding of how to prevent and respond to domestic violence in Indian Country.

Domestic violence is a national problem and not one that is unique to Indian Country. Yet, due to the unique status of Indian tribes, there are obstacles faced by Indian tribal police, Federal investigators, tribal and Federal prosecutors and courts that impede their ability to respond to domestic violence in Indian Country. This bill is intended to remove these obstacles at all levels and to enhance the ability of each agency to respond to acts of domestic violence when they occur.

The division of criminal jurisdiction between Federal and tribal law enforcement and prosecutors working in Indian Country present challenges. For example, Federal prosecutors prosecute acts of domestic violence in Indian Country using the Assault or, unfortunately, the Murder statutes in the Major Crimes Act. These statutes require the prosecutor to prove beyond a reasonable doubt that the victim was disfigured, suffered a serious risk of death or was killed before these felony charges can be filed. Meanwhile, the research has shown that perpetrators of domestic violence become increasingly more violent over time. Under the existing statutory scheme, these perpetrators may escape felony charges until they seriously injure or kill someone.

This bill would create a new Federal offense aimed at the habitual domestic violence offender and allow tribal court convictions to count for purposes of Federal felony prosecution when the perpetrator has at least two separate Federal, State or tribal convictions for crimes involving assault, sexual abuse or a violent felony against a spouse or intimate partner. This provision is similar to many state laws that apply a felony penalty to an individual who commits multiple offenses. It will empower Indian tribal prosecutors and courts to document domestic violence cases at the local level and give federal prosecutors the ability to intervene in the cycle of violence by charging repeat offenders before they seriously injure or kill someone.

The bill would also encourage the use of existing grants authorized by the Violence Against Women Act to create tribal criminal history databases for use by Indian tribes and tribal, State and Federal law enforcement agencies to document final convictions, stay away orders and orders of protection issued by tribal courts. As I understand it, no such database exists today. This database would be used solely as a law enforcement and court tracking tool. It would enable tribal, State and Federal law enforcement officers to determine whether an individual is a habitual domestic violence offender and therefore subject to the felony crime described above. It also would enhance the implementation of the criminal provisions that already exist in the Violence Against Women Act.

All manner of law enforcement agencies report that responding to domestic violence disturbances are among the most dangerous situations that a police officer faces. Therefore, many States have enacted immediate arrest or removal policies that enable responding officers to diffuse these dangerous situations. Currently, the primary law enforcement authority for Indian tribes, the BIA police, are only authorized to make an arrest without a warrant for an offense committed in Indian Country if the offense is committed in the presence of the officer or the offense is a felony. This legislation would expand the authority of the BIA police, and tribal police agencies that derive their arrest authority by contract with the BIA, to make an arrest without a warrant for a domestic violence offense when the officer has reasonable grounds to believe the person arrested committed the offense. This arrest authority will enable a responding officer to diffuse the dangerous situation by arresting the perpetrator. This will go a long way toward improving public safety for both the officer and the domestic violence victim.

Finally, while the national data on the rates of violence affecting Indian women are astounding, we do not know the full extent to which Indian women residing in Indian Country are impacted by domestic violence or the impact of domestic violence on Indian tribes. For example, we know that nationally, domestic violence costs $4.1 billion each year for direct medical and mental health services and in my own State of Arizona, last year, police received approximately 100,000 domestic violence calls, but we do not know the extent to which tribal prevention programs, law enforcement, court or medical intervention resources are similarly impacted. Therefore, this bill would require that a comprehensive study be done on the scope of the domestic violence problem in Indian Country.

I look forward to working with my colleagues on the Indian Affairs Committee and the Judiciary Committee to ensure that these statistics become a record of the past. I urge my colleagues to support this important 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. 987

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 ''Restoring Safety to Indian Women Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) national studies indicate that Indian women experience domestic and sexual assaults at a far greater rate than other groups of women in the national population;

(2) there is relatively little data on the rate of domestic violence perpetrated upon Indian women in Indian country or the costs associated with responding to acts of domestic violence in Indian country;

(3) Indian tribes have criminal jurisdiction to prosecute Indians who commit violations of tribal law;

(4) the Federal Government has jurisdiction to prosecute specific enumerated crimes that arise in Indian country under section 1153 of title 18, United States Code (commonly known as the Major Crimes Act);

(5) the Major Crimes Act does not include provisions to provide Federal prosecutors the ability to prosecute domestic violence assaults unless they rise to the level of serious bodily injury or death;

(6) national studies conducted by law enforcement organizations show that domestic violence disturbance calls are the most dangerous situations and pose the highest risk to responding law enforcement officers;

(7) the limited arrest authority of the Bureau of Indian Affairs and Indian tribal law enforcement agencies impacts the ability of law enforcement to properly respond to acts of domestic violence; and

(8) Federal and tribal prosecutors and law enforcement services are hampered in their efforts to address domestic violence by the lack of available criminal history information for tribal ordinance offenders.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To obtain data on the rates of domestic violence perpetrated upon Indian women in Indian country.

(2) To close existing gaps in Federal criminal laws to enable Federal, State, and tribal law enforcement, prosecution agencies, and courts to address incidents of domestic violence.

(3) To address the public safety concerns experienced by tribal police officers that arise in responding to incidents of domestic violence.

(4) To prevent the serious injury or death of Indian women subject to domestic violence.

SEC. 4. DEFINITIONS.

In this Act:

(1) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of the Interior.

(3) INDIAN TRIBE.—The term ''Indian Tribe'' has the same meaning as in section 4 of the Indian Self-determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 5. DOMESTIC VIOLENCE HABITUAL OFFENDER.

Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 117. Domestic assault by a habitual offender

''(a) Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least two separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

''(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

''(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from a violation under this section, the offender shall be imprisoned for a term of not more than 10 years.

''(b) For purposes of this section—

''(1) the term 'domestic assault' means an assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim;

''(2) the term 'final conviction' means the final judgment on a verdict of finding of guilty, a plea of guilty, or a plea of nolo contendere, but does not include a final judgment which has been expunged by pardon, reversed, set aside, or otherwise rendered void;

''(3) the term 'order of protection' has the meaning given to such term by section 2265(b);

''(4) the term 'serious violent felony' has the meaning given to such term by section 3559(c)(2)(F);

''(5) the term 'State' has the meaning given to such term by section 3559(c)(2)G);

''(6) the term 'substantial bodily injury' has the meaning given to such term by section 113(b)(1); and

''(7) the term 'sexual abuse' has the meaning given to such term by section 2242.''.

SEC. 6. ENHANCED ARREST AUTHORITY.

Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—

(1) in paragraph (2)(A), by striking '', or'' and inserting ''; or''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking '', or'' and inserting a semi-colon;

(B) in subparagraph (B), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(C)(i) the offense is a misdemeanor offense of domestic violence (as defined in section 117 of title 18, United States Code); and

''(ii) the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing, the offense;''.

SEC. 7. CRIMINAL RECORDS DATABASE PILOT PROJECT.

(a) IN GENERAL.—The Attorney General shall make grants available pursuant to section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) to Indian tribes for the development of tribal criminal history databases to document final convictions of tribal domestic violence court adjudications, orders of protection, stay away orders, and such other domestic violence criminal history.

(b) REQUIREMENTS.—A database developed under subsection (a) shall include—

(1) final convictions by a tribal court order;

(2) orders of protection that are currently in effect and meet the requirements of section 2265(b) of title 18, United States Code;

(3) a means to provide tribal, Federal, and State law enforcement agencies with access to the information in the database; and

(4) safeguards to prevent the dissemination of the information contained therein for other than a criminal justice or law enforcement purpose.

SEC. 8. STUDY OF DOMESTIC VIOLENCE IN INDIAN COUNTRY.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, the Director of the Indian Health Service, and Indian tribes, shall conduct a study on the incidents of domestic violence in Indian country.

(b) CONTENTS.—The study conducted under subsection (a) shall—

(1) determine the extent of domestic violence in Indian country and its causes; and

(2) identify obstacles to—

(A) the prevention of incidents of domestic violence;

(B) the appropriate response to incidents of domestic violence;

(C) adequate treatment for victims of domestic violence; and

(D) criminal prosecution of domestic violence offenders.

(c) REPORT .—Not later than 1 year after the date of enactment of this Act, the Attorney General shall transmit to Congress a report regarding the study conducted under this section. This report shall include recommendations, including legislative recommendations, to address domestic violence in Indian country.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 9. CONFORMING AMENDMENTS.

Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (10), by striking ''and'' after the semicolon;

(2) in paragraph (11), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(12) to develop tribal domestic violence criminal history databases for use by Indian tribal courts and tribal, State, and Federal law enforcement officers engaged in a law enforcement function''.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 990. A bill to provide a grant program to support the establishment and operation of Teachers Professional Development Institutes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, along with my colleague from Connecticut, Mr. DODD, legislation that will bolster the content and pedagogical knowledge of our K–12 teacher workforce. This measure provides resources and incentives to enlist college and university faculties in partnerships with public school districts throughout the Nation in an effort to strengthen public school instruction.

My proposal will establish, over the next five years, forty new Teacher Professional Development Institutes in locales throughout the Nation. Based on the model which has been operating at Yale University and the City of New Haven for over 25 years, Teacher Professional Development Institutes consist of partnerships between one or more institutions of higher education and local, economically disadvantaged public school systems. These Institutes will strengthen the present teacher workforce by giving participants an opportunity to gain more sophisticated content knowledge and instructional skills, and will provide them a chance to develop—in conjunction with their Institute colleagues—practical curriculum units that they can implement in their classrooms and share with their schools and districts.

Since 1978, the Yale-New Haven Institute has offered five to seven thirteen-session seminars each year, led by Yale faculty, on topics that teachers have selected to enhance their teaching mastery. To begin the process, teacher representatives from the Institute solicit teachers throughout the school district for ideas on how to help meet their perceived needs—for example, improving content area knowledge, preparing instructional materials, managing the classroom, or addressing accountability standards. As a consensus emerges regarding seminar content, the Institute director identifies and enlists university faculty members with the appropriate expertise, interest, and desire to lead the seminar. Because the topics are ultimately determined by the teachers who participate, seminars offer content which teachers believe is pertinent, valuable, and practical for both themselves and their students.

It is, in fact, the cooperative and emergent nature of the Institute seminar planning process that ensures its success—rigorous topical instruction

and relevant materials are provided based on participants' self-identified needs. Granted the opportunity to examine and act on their own skills and knowledge, teachers gain a sense of self-sufficiency, and are more enthusiastic about their participation. Teachers gain further confidence as they practice using the materials they obtain and develop among their peers, ensuring that the experience not only increases their subject-matter proficiency, but also provides immediate hands-on active learning materials that can be transferred to the classroom. In short, by allowing teachers to determine the seminar subjects and providing them the resources to develop curricula relevant to their classroom and their students, the Institutes empower teachers. Teachers are the front line—they are the interface between the educational system and the students it aspires to shape and inform—and they know what should be done to improve their schools and increase student achievement. The Teacher Professional Development Institutes promote this philosophy.

From 1999–2002, the Yale-New Haven Teachers Institute conducted a National Demonstration Project to create comparable Institutes at four diverse sites with large concentrations of disadvantaged students. These demonstration projects were located in Pittsburgh, PA; Houston, TX; Albuquerque, NM; and Santa Ana, CA. Based on the success of that Project, the Institute has launched the Yale National Initiative—a long-term endeavor to establish exemplary Teachers Institutes in states throughout the nation, just as the legislation I have introduced would do.

Follow-up evaluations have garnered encouraging reactions from teachers who have participated both in the Yale-New Haven Institute and in the demonstration Institutes. These data strongly support the conclusions that virtually all teachers felt substantially strengthened in their mastery of content knowledge and that they developed increased expectations for students' achievement. Further, because of their personal involvement in the course selection and curriculum development process, teacher participants have found these seminars to be especially relevant and useful in their classroom practices—in fact, ninety-five percent of all participating teachers reported them to be beneficial. Finally, study results have found that these Institutes foster teacher leadership, develop supportive teacher networks, heighten university faculty commitments to improving K–12 public education, and create more positive partnerships between school districts and institutions of higher education—something I believe is essential to improving students' readiness for college.

Several studies assert that teacher quality is the single most important school-related factor in determining student achievement. Accordingly, the No Child Left Behind Act requires a ''highly qualified'' teacher to be in every classroom by the end of the 2005–2006 academic year. Effective teacher professional development programs that focus on content area and pedagogical knowledge are proven means of enhancing the success of classroom teachers and helping to meet the ''highly qualified'' criteria. Yet, a 2003 Government Accountability Office Report on Teacher Quality found that many state and local school districts view shortcomings in their current professional development practices as a significant barrier to meeting this requirement. These local agencies are looking for innovative, research-proven alternatives to their current programs, and this is precisely what Teacher Professional Development Institutes will provide.

Nationwide, projects developed to conform to the Yale-New Haven Institute model have proven to be successful in providing innovative teacher professional development. Virtually all teacher participants felt substantially strengthened in their mastery of content knowledge and their teaching skills. My proposal would open this opportunity to many more urban teachers and would provide high quality professional development to educators and policy makers throughout the Nation. In this way, we can set high standards for effective teacher professional development as we have done for student achievement outcomes.

I ask unanimous consent that the text of the Teachers Professional Development Institutes Act be printed in the RECORD.

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

S. 990

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

SECTION 1. TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES

"SEC. 241. SHORT TITLE.

''This part may be cited as the 'Teachers Professional Development Institutes Act'.

"SEC. 242. FINDINGS AND PURPOSE.

''(a) FINDINGS.—Congress makes the following findings:

''(1) Ongoing, subject-specific teacher professional development is essential to improved student learning.

''(2) The No Child Left Behind Act of 2001 calls for a highly qualified teacher in every core-subject classroom; attaining this goal will require innovative and effective approaches to improving the quality of teaching.

''(3) The Teachers Institute Model is an innovative and proven approach that encourages collaboration between urban school teachers and university faculty. The model focuses on teachers' continuing academic preparation and on the personal and collaborative application of their studies in their classrooms, schools, and districts.

''(4) The Teachers Institute Model has a proven record, as demonstrated by the success of a 3-year national demonstration pilot project (referred to in this part as the 'National Demonstration Project') in several United States cities.

''(b) PURPOSE.—The purpose of this part is to provide Federal assistance to support the establishment and operation of Teachers Professional Development Institutes for local educational agencies that serve significant low-income populations in States throughout the Nation—

''(1) to improve student learning; and

''(2) to enhance the quality of teaching by strengthening the subject matter mastery and pedagogical skills of current teachers through continuing teacher preparation.

"SEC. 243. DEFINITIONS.

''In this part:

''(1) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

''(2) SIGNIFICANT LOW-INCOME POPULATION.—The term 'significant low-income population' means a student population of which not less than 25 percent are from families with incomes below the poverty line.

''(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(4) TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTE.—The term 'Teachers Professional Development Institute' means a partnership or joint venture between or among 1 or more institutions of higher education, and 1 or more local educational agencies serving a significant low-income population, which partnership or joint venture—

''(A) is entered into for the purpose of improving the quality of teaching and learning through collaborative seminars designed to enhance both the subject matter and the pedagogical resources of the seminar participants; and

''(B) works in collaboration to determine the direction and content of the collaborative seminars.

"SEC. 244. GRANT AUTHORITY.

''(a) IN GENERAL.—The Secretary is authorized—

''(1) to award grants to Teachers Professional Development Institutes to encourage the establishment and operation of Teachers Professional Development Institutes; and

''(2) to provide technical assistance, either directly or through existing Teachers Professional Development Institutes, to assist local educational agencies and institutions of higher education in preparing to establish and in operating Teachers Professional Development Institutes.

''(b) SELECTION CRITERIA.—In selecting a Teachers Professional Development Institute for a grant under this part, the Secretary shall consider—

''(1) the extent to which the proposed Teachers Professional Development Institute will serve a community with a significant low-income population;

''(2) the extent to which the proposed Teachers Professional Development Institute will follow the Understandings and Necessary Procedures that have been developed following the National Demonstration Project;

''(3) the extent to which the local educational agency participating in the proposed Teachers Professional Development Institute has a high percentage of teachers who are unprepared or under prepared to teach the core academic subjects the teachers are assigned to teach; and

''(4) the extent to which the proposed Teachers Professional Development Institute will receive a level of support from the community and other sources that will ensure the requisite long-term commitment for the success of a Teachers Professional Development Institute.

''(c) CONSULTATION.—

''(1) IN GENERAL.—In evaluating applications under subsection (b), the Secretary may request the advice and assistance of existing Teachers Professional Development Institutes.

''(2) STATE AGENCIES.—If the Secretary receives 2 or more applications for new Teachers Professional Development Institutes that propose serving the same State, the Secretary shall consult with the State educational agency regarding the applications.

''(d) FISCAL AGENT.—For the purpose of this part, an institution of higher education participating in a Teachers Professional Development Institute shall serve as the fiscal agent for the receipt of grant funds under this part.

''(e) LIMITATIONS.—A grant under this part—

''(1) shall be awarded for a period not to exceed 5 years; and

''(2) shall not exceed 50 percent of the total costs of the eligible activities, as determined by the Secretary.

''SEC. 245. ELIGIBLE ACTIVITIES.

''(a) IN GENERAL.—A Teachers Professional Development Institute that receives a grant under this part may use the grant funds—

''(1) for the planning and development of applications for the establishment of Teachers Professional Development Institutes;

''(2) to provide assistance to existing Teachers Professional Development Institutes established during the National Demonstration Project to enable the Teachers Professional Development Institutes—

''(A) to further develop existing Teachers Professional Development Institutes; or

''(B) to support the planning and development of applications for new Teachers Professional Development Institutes;

''(3) for the salary and necessary expenses of a full-time director to plan and manage such Teachers Professional Development Institute and to act as liaison between the participating local educational agency and institution of higher education;

''(4) to provide suitable office space, staff, equipment, and supplies, and to pay other operating expenses for the development and maintenance of Teachers Professional Development Institutes;

''(5) to provide stipends for teachers participating in collaborative seminars in the sciences and humanities, and to provide remuneration for those members of the higher education faculty who lead the seminars; and

''(6) to provide for the dissemination through print and electronic means of curriculum units prepared in conjunction with Teachers Professional Development Institutes seminars.

''(b) TECHNICAL ASSISTANCE.—The Secretary may use not more than 50 percent of the funds appropriated to carry out this part to provide technical assistance to facilitate the establishment and operation of Teachers Professional Development Institutes. For the purpose of this subsection, the Secretary may contract with existing Teachers Professional Development Institutes to provide all or a part of the technical assistance under this subsection.

''SEC. 246. APPLICATION, APPROVAL, AND AGREEMENT.

''(a) IN GENERAL.—To receive a grant under this part, a Teachers Professional Development Institute shall submit an application to the Secretary that—

''(1) meets the requirement of this part and any regulations under this part;

''(2) includes a description of how the Teachers Professional Development Institute intends to use funds provided under the grant;

''(3) includes such information as the Secretary may require to apply the criteria described in section 244(b);

''(4) includes measurable objectives for the use of the funds provided under the grant; and

''(5) contains such other information and assurances as the Secretary may require.

''(b) APPROVAL.—The Secretary shall—

''(1) promptly evaluate an application received for a grant under this part; and

''(2) notify the applicant within 90 days of the receipt of a completed application of the Secretary's approval or disapproval of the application.

''(c) AGREEMENT.—Upon approval of an application, the Secretary and the Teachers Professional Development Institute shall enter into a comprehensive agreement covering the entire period of the grant.

''SEC. 247. REPORTS AND EVALUATIONS.

''(a) REPORT.—Each Teachers Professional Development Institute receiving a grant under this part shall report annually on the progress of the Teachers Professional Development Institute in achieving the purpose of this part and the purposes of the grant.

''(b) EVALUATION AND DISSEMINATION.—

''(1) EVALUATION.—The Secretary shall evaluate the activities funded under this part and submit an annual report regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

''(2) DISSEMINATION.—The Secretary shall broadly disseminate successful practices developed by Teachers Professional Development Institutes.

''(c) REVOCATION.—If the Secretary determines that a Teachers Professional Development Institute is not making substantial progress in achieving the purpose of this part and the purposes of the grant by the end of the second year of the grant under this part, the Secretary may take appropriate action, including revocation of further payments under the grant, to ensure that the funds available under this part are used in the most effective manner.

''SEC. 248. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part—

''(1) $4,000,000 for fiscal year 2006;

''(2) $5,000,000 for fiscal year 2007;

''(3) $6,000,000 for fiscal year 2008;

''(4) $7,000,000 for fiscal year 2009; and

''(5) $8,000,000 for fiscal year 2010.''.

By Mr. KENNEDY (for himself, Mr. DURBIN, Mr. HARKIN, and Mr. AKAKA):

S. 991. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to limit the availability of benefits under an employer's nonqualified deferred compensation plans in the event that any of the employer's defined benefit pension plans are subjected to a distress or PBGC termination in connection with bankruptcy reorganization or a conversion to a cash balance plan, to provide appropriate funding restrictions in connection with the maintenance of nonqualified deferred compensation plans, and to provide for appropriate disclosure with respect to nonqualified deferred compensation plans; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, the Pension Fairness and Full Disclosure Act we are introducing today is urgently needed to end the nightmare that the current pension system is becoming for millions of families across the Nation.

Thousands of flight attendants and machinists from United Airlines have suffered heavily in pay and job security in recent years, and now they're losing their pensions, too. Yet corporate CEO's are still receiving bonuses worth millions of dollars a year.

This nightmare is happening to workers all across America. Companies are cutting employees' pensions by switching to cash balance plans, or even going into bankruptcy. But executive retirement is still going through the roof. A recent report found over 20 percent of America's top 500 largest companies have promised pensions worth more than $1 million a year for their CEOs.

President Bush has said that what is good for the top floor is good for the shop floor. It's wrong for it to be business as usual on the top floor when so much pain is spreading on the shop floor.

Polaroid in Massachusetts filed for bankruptcy in 2001 and terminated its pension plan in 2002. Its pension plan was underfunded by over $300 million dollars. Thousands of retirees had their benefits cut when the Pension Benefit Guaranty Corporation took over. Yet the principal executives of the company received millions of dollars in bonuses. Last week, the company was sold again, and the chairman and CEO received golden parachutes of nearly $10 million each.

The bill we are introducing will end that injustice. It prohibits companies from lining executives' pockets and ignoring commitments to rank-and-file workers. It will require companies to inform employees about executive compensation.

These changes are long overdue. It's an issue of basic fairness, and only Congress can solve this.

By Mr. HARKIN:

S. 992. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor; to the Committee on Finance.

Mr. HARKIN. Mr. President, today, I am proposing to strike the consumptive demand clause from Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307). Section 307 prohibits the importation of any product or good produced with forced or indentured labor including forced or indentured child labor.

The consumptive demand clause creates an exception to this prohibition. Under the exception, if a product is not made in the United States, and there is a demand for it, then a product made with forced or indentured child labor may be imported into this country.

Let us be clear: forced or indentured labor means work which is extracted from any person under the menace of penalty for nonperformance and for which the worker does not offer himself voluntarily. Let us be really clear: this means slave labor. In the case of children, it means child slavery.

Some examples of goods that are made with child slave labor include cocoa beans, hand-knotted carpets, beedis, which are small Indian cigarettes, soccer balls and cotton.

Throughout my Senate career, I have worked to reduce the use of forced child labor worldwide.

In 2003, my staff was invited by Customs to meet with field agents on Section 307 to discuss what appropriations were needed to enforce the statute. At the meeting, the field agents reported that the consumptive demand clause was an obstacle to their ability to enforce the law that is supposed to prevent goods made with slave labor from being imported into the United States.

The consumptive demand clause is outdated. Since this exception was enacted in the 1930s, the U.S. has taken numerous steps to stop the scourge of child slave labor. Most notably, the United States has ratified International Labor Organization's Convention 182 to Prohibit the Worst forms of Child Labor. Currently, 152 other countries have also ratified this ILO Convention.

Retaining the consumptive clause contradicts our international commitments to eliminate abusive child labor. Maintaining the consumptive demand clause says to the world that the United States justifies the use of slave labor, if US consumers need an item not produced in this country. There should be no exception to a fundamental stand against the use of slave labor. it is my hope that Congress will act.

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. 992

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

SECTION 1. GOODS MADE WITH FORCED OR INDENTURED LABOR.

(a) IN GENERAL.—The second sentence of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by striking ''; but in no case'' and all that follows to the end period.

(b) EFFECTIVE DATE.—The amendment made by this section applies to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 993. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on amounts received under certain insurance policies in which certain exempt organizations hold an interest; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, the bill imposes an excise tax, equal to 100 percent of the acquisition costs, on the taxable acquisition of any interest in an applicable insurance contract. An applicable insurance contract is any life insurance, annuity or endowment contract in which both an applicable exempt organization and any person that is not an applicable exempt organization have, directly or indirectly, held an interest in the contract (whether or not the interests are held at the same time).

An applicable exempt organization generally includes an organization that is exempt from Federal income tax by reason of being described in section 501(c)(3) (including one organized outside the United States), a government or political subdivision of a government, and an Indian tribal government.

The bill provides that an interest in an applicable insurance contract includes any right with respect to the contract, whether as an owner, beneficiary, or otherwise. An indirect interest in a contract includes an interest in an entity that, directly or indirectly, holds an interest in the contract.

Exceptions apply under the bill. An exception is provided if each person (other than the exempt organization) with an interest in the contract has an insurable interest in the insured person independent of any interest of the exempt organization. Another exception is provided if each person, other than an exempt organization, has an interest solely as a named beneficiary. An exception is also provided for a person, other than the exempt organization, with an interest as a trust beneficiary, if the beneficiary designation is purely gratuitous, or with an interest as a trustee who holds in a fiduciary capacity for an applicable exempt organization or another permitted beneficiary.

The bill provides reporting rules requiring an applicable exempt organization or other person that makes a taxable acquisition of an applicable insurance contract to file a return showing required information. A statement is required to be furnished to each person whose taxpayer identification information is required to be reported on the return. Penalties apply for failure to file the return or furnish the statement, including, in the case of intentional disregard of the return filing requirement, a penalty equal to the amount of the excise tax that has not been paid with respect to the items required to be included on the return.

The bill is effective for contracts issued after May 3, 2005. The bill requires reporting of existing life insurance, endowment and annuity contracts issued on or before that date, in which an applicable exempt organization holds an interest and which would be treated as an applicable insurance contract under the bill. This reporting is required within one year after the date of enactment.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. LEAHY, Mr. BROWNBACK, Mr. OBAMA, Ms. MURKOWSKI, and Mr. ALEXANDER):

S.J. Res. 18. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, along with my colleagues from California, Arizona, Vermont, Kansas and Illinois, I come to the floor to introduce legislation to renew sanctions against the illegitimate and repressive State Peace and Development Council (SPDC) in Burma.

I do not intend today to recount the litany of abuses committed by the military junta in Rangoon against the Burmese people and their neighbors given the extensive documentation of these violations by credible sources, including the U.S. Department of State, the United Nations and numerous nongovernmental organizations, my colleagues are undoubtedly familiar with many of the SPDC's heinous crimes—from the production and trafficking of illicit drugs, to the use of rape as a weapon of war against ethnic minority women and girls and the forced conscription of children into military service.

Instead, I urge my colleagues to act quickly—as we have in the past—in considering and passing the renewal of sanctions, which include an import ban on Burmese goods and visa restrictions on officials from the SPDC and affiliated organizations.

We must act quickly as the SPDC poses an immediate danger to the entire region, whether through the trafficking of illicit drugs, the unchecked spread of HIV/AIDS, or the forced movement of people who seek refuge and safety in neighboring countries.

There is no more definitive expression of support for democracy and human rights—for solidarity with those struggling for freedom—than an import ban. As Archbishop Desmond Tutu has eloquently pointed out on several occasions, sanctions worked in South Africa, and they can work in Burma, too.

We must act resolutely as the junta continues to imprison those who nonviolently struggle for freedom and justice, including Nobel laureate and Burmese democracy leader Daw Aung San Suu Kyi. Burma has a rising prisoner of conscience population, with over 1,300 political prisoners. I renew my call that Suu Kyi and other prisoners of conscience be immediately and unconditionally released.

Just last month, the European Union renewed sanctions against the SPDC that restrict members of the junta and their families from entering the EU, and bans EU companies from doing business in Burma. While I applaud this action, I call upon the EU and other multilateral organizations, including the United Nations, to do more in support of freedom in Burma.

Specifically, the EU, along with the United States, should not participate

in any Association of Southeast Asian Nations (ASEAN) related meetings should the SPDC assume chairmanship of that Association next year. It is worth noting that some ASEAN member states are now publicly discussing the junta's possible leadership with growing concern. This increased attention—and a growing chorus for political reform in Burma in the region by likeminded lawmakers—is also appreciated.

Finally, while I welcome UN Secretary-General Kofi Annan's personal comments in support of freedom in Burma, the time for talk is over. The UN must act on Burma—in New York. It is past time for the UN to discuss and debate the myriad threats Burma poses to the region. What are they waiting for?

The people of Burma must know that they have no better friends in this body than Senators FEINSTEIN, MCCAIN, LEAHY, BROWNBACK and OBAMA. There is an unofficial Burma Caucus in the Senate, and I am proud to stand shoulder-to-shoulder with my dedicated colleagues on this issue.

To them—and to Suu Kyi and all who nonviolently struggle for freedom in Burma—I say ''we will prevail.''

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 18

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

Mrs. FEINSTEIN. Mr. President, I rise today in support of a resolution introduced by myself, Senator MCCONNELL, Senator LEAHY, Senator MCCAIN, Senator BROWNBACK, and Senator OBAMA to renew the sanctions imposed on Burma by the Burmese Freedom and Democracy Act of 2003.

Last year, in response to the failure by the military junta—the State Peace and Development Council, SPDC—to take any meaningful steps towards restoring democracy and releasing Nobel Peace Prize winner and National League for Democracy, NLD, leader Aung San Suu Kyi, Congress overwhelmingly renewed a complete ban on all imports from Burma for another year.

One year later, it is clear that Rangoon has once again failed to make ''substantial and measurable progress'' toward putting Burma on a irreversible path of national reconciliation and democracy.

Suu Kyi remains under house arrest. On her 60th birthday on June 19, 2005, she will have spent a total of 2,523 days in detention.

NLD Vice Chairman Tin Oo has also remained in custody since May 2003. And 1,400 political prisoners are still in jail.

The military junta's ''road map'' to democracy and national convention to draft a new constitution has produced no timetable for restoring democracy and shut out the participation of Suu Kyi and the NLD, the legitimate winners of the 1990 elections.

The United Nations Commission on Human Rights passed a resolution last month highlighting continued human rights abuses by Rangoon including ''extrajudicial killings,'' rape, torture, sex trafficking and forced labor.

And let us not forget that Congress passed the original ''Burmese Freedom and Democracy Act of 2003'' in response to a brutal coordinated assault by progovernment paramilitary thugs on Suu Kyi and other members of the NLD. Is anyone surprised that no one has been brought to justice for these crimes?

The generals who run the country have shown a remarkable ability to ignore the demands of their own people and the international community. The simple truth is that as long as the SPDC remains in power the democratic hopes and aspirations of the Burmese people will continue to be denied.

Now is not the time to let the sanctions expire and try to ''engage'' the military junta.

Doing so without any meaningful steps toward democracy taken by Rangoon would only serve to bolster the regime's campaign against democratic government, the rule of law, and basic human rights.

I point out that the democratic movement in Burma continues to support sanctions against the SPDC. We must give them more time to effect change in Burma.

Let us not fall into the trap of thinking true representative democracy cannot come to Burma and the Burmese people. I agree with Deputy Secretary of State Robert Zoellick when he said recently:

> What we see throughout the world, even in places where people don't expect it, like the Middle East, is a process of openness and democracy. There's no reason it can't happen in Burma as well.

As champions of freedom and respect for human rights, we must stand in solidarity with Suu Kyi, the people of Burma, and the international community in once again calling on the SPDC to release Suu Kyi, relinquish power, and respect the 1990 elections. Archbishop Desmond Tutu has rightly said:

> As long as [Suu Kyi] remains under house arrest, none of us is truly free.

In the face of human rights abuses and terror, approximately 300,000 Burmese citizens have already defied the military junta and signed their names on a petition calling for true democratic change in Burma. We must back their courage. I urge my colleagues to support the resolution.

Mr. MCCAIN. Mr. President, I would like to thank Senators MCCONNELL and FEINSTEIN for their efforts to renew again the sanctions contained in the 2003 Burmese Freedom and Democracy Act. I am proud to join along with Senators LEAHY, BROWNBACK, and OBAMA as sponsors of this resolution.

As we take action to renew this legislation, the situation inside Burma grows ever dimmer. The military junta in that country controls the population through a campaign of violence and terror, and the lack of freedom and justice there is simply appalling. The Burmese regime has murdered political opponents, used child soldiers and forced labor, and employed rape as a weapon of war. Political activists remain imprisoned, including elected members of parliament, and Aung San Suu Kyi remains a captive.

Aung San Suu Kyi's courageous and steadfastness in the face of tyranny inspires me and, I believe, every individual who holds democracy dear. Because she stands for freedom, this heroic woman has endured attacks, arrest, captivity, and untold sufferings at the hands of the regime. Burma's rulers fear Aung San Suu Kyi because of what she represents—peace, freedom and justice for all Burmese people. The thugs who run the country have tried to stifle her voice, but they will never extinguish her moral courage. Her leadership and example shine brightly for the millions of Burmese who hunger for freedom and for those of us outside Burma who seek justice for its people.

The work of Aung San Suu Kyi and the members of the National League for Democracy must be the world's work. We must continue to press the junta until it is willing to negotiate an irreversible transition to democratic rule. The Burmese people deserve no less. And I see encouraging signs that the world is no longer content to sit on the sidelines.

The U.S. Congress has been in the forefront, and we stepped up our pressure significantly in 2003 with the Burmese Freedom and Democracy Act. In doing so, we took active steps to pressure the military junta, and we sent a signal to the Burmese people that they are not forgotten—that the American people care about their freedom and will stand up for justice in their country.

Now the Europeans and the countries of Southeast Asia are finally stepping up their own pressure. While they can and should do more, the signs are encouraging. I have recently seen a report that 78 Thai senators have sponsored a motion opposing Burma's chairmanship of ASEAN, scheduled for next year. Similar moves by governments of other Southeast Asian nations suggest that opposition to Burma's rotation is becoming widespread, as it should—ASEAN's credibility would crumble under Burmese leadership. A unified message from all ASEAN countries that Burma's behavior is simply unacceptable would make clear to its leaders that they cannot practice repression forever.

For our part, I support today the joint resolution that will renew the import restrictions—sanctions that are

supported by the National League for Democracy. These restrictions must remain until Burma embarks on a true path of reconciliation—a process that must include the NLD and Burmese ethnic minorities.

The picture today in Burma is tragically clear. So long as a band of thugs rules Burma, its people will never be free. They will remain mired in poverty and suffering, cut off from the world, with only their indomitable spirit to keep them moving forward. With our action today, we will support this spirit.

Mr. BROWNBACK. Mr. President, I rise with several of my colleagues to speak about the importance of the renewal of the Burma sanctions. I also wish to speak candidly about the Burmese Military Junta's continued oppression of their people through rape, torture and other severe human rights abuses.

As the world's only imprisoned Nobel Peace Prize recipient, Aung San Suu Kyi continues to inspire the democracy movement and seek support for their peaceful cause. It has been reported that the National League for Democracy has collected more than 300,000 signatures on a petition calling for change in the country. Those who sign are actively putting their lives in danger by publicly stating that they seek democratic change and some 1,400 political prisoners are locked up for supporting human rights and democracy.

The human rights abuses in Burma continue daily against ethnic minorities, political activists and others who simply suffer as innocent bystanders. A 2002 Human Rights Watch report found that Burma has nearly 70,000 child soldiers in its army, more than any other country in the world. Up to 2 million people have been forced to flee the country as refugees and migrants and the burning of villages continues in eastern Burma, especially in the Karen and Karenni states. Last year I drew to your attention a report titled ''Shattering Silences'', in which the Karen Women's Organization carefully investigated and recorded the Burmese military regime's use of rape as a weapon of war against ethnic minority women, revealing a shockingly brutal and callous practice.

For the past two years, I have joined my colleagues in reauthorizing the Burmese Freedom and Democracy Act, which bans mainly textile and garment imports from Burma. When I chaired the East Asia and Pacific Subcommittee I held a hearing on this very subject. In that hearing I spoke about the importance of a multilateral isolation policy. I urge my colleagues to consider the strides that have been made in just two years of promoting such a policy.

In a major and important move, the European Union, in October 2004, followed the lead of the United States and significantly strengthened its sanctions on Burma, including a ban on investments in enterprises of the ruling regime and a strengthened visa ban. The EU also pledged to join the United States in opposing loans to Burma's regime from the International Monetary Fund and World Bank. The European Parliament passed a resolution calling ''on the UN Security Council to address the situation in Burma as a matter of urgency.'' Additionally, 289 members of the British parliament tabled a motion calling on the UN Security Council to address the situation in Burma.

After both houses of Congress passed resolutions in October 2004 calling on the UN Security Council to address the situation in Burma, the parliament of Australia followed suit. The Australian motion called on the government to, ''support the Burmese National League for Democracy's call for the UN Security Council to convene a special session to consider what further measures the UN can take to encourage democratic reform and respect for human rights in Burma.''

Support at the United Nations is growing as well. Burma was one of only a few countries on which resolutions were passed by the United Nations Commission on Human Rights. This was led by the European Union with strong support from the United States as well as support from Japan. The resolution strongly condemned what it called ''the systematic ongoing violation of human rights'' in Burma.

There has been unprecedented action on Burma within ASEAN. Whereas in the past ASEAN refused to even comment on what it deemed Burma's ''internal affairs'', many members of the organization are now publicly pressuring Burma to step aside as the chair of the association in 2006.

The tough approach maintained by the United States towards Burma, including import sanctions and a possible boycott of 2006 meetings, is for the first time encouraging many Asian nations to rethink whether the Burmese regime should assume the rotating chairmanship. There is widespread belief within the leadership of ASEAN countries that Burma has failed to deliver on its promises to the region.

In all of the above-mentioned instances, the strong stand of the United States has influenced countries around the world. The movement at the EU, UN, and within ASEAN is unprecedented. We must keep up the tough pressure by the United States.

I urge my colleagues to reauthorize the sanctions as a strong and clear signal that the United States will not support this brutal regime and their continued oppression of activists and minorities.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 135—CONGRATULATING THE NATIONAL ASPHALT PAVEMENT ASSOCIATION ON ITS 50TH ANNIVERSARY AND RECOGNIZING THE CONTRIBUTIONS OF MEMBERS OF THE ASSOCIATION TO THE UNITED STATES

Mr. INHOFE (for himself, Mr. BOND, Mr. BAUCUS, and Mr. JEFFORDS) submitted the following resolution; which was considered and agreed to:

S. RES. 135

Whereas in 2005, the National Asphalt Pavement Association (incorporated on May 17, 1955, as the National Bituminous Concrete Association) celebrates its 50th anniversary;

Whereas the members of the National Asphalt Pavement Association play a key role in strengthening the economy of the United States and promoting the mobility of citizens of the United States by providing hot-mix asphalt used in the construction of the 41,000-mile Interstate Highway System and other highways, streets, roads, parking lots, and airports;

Whereas the National Asphalt Pavement Association has focused on continually improving the quality of asphalt pavement by establishing a quality improvement program;

Whereas the National Asphalt Pavement Association has facilitated technology transfer and advanced new asphalt pavement technologies through partnerships, scanning tours, publications, and presentations;

Whereas the National Asphalt Pavement Association, through members of the Association, has fostered and encouraged young people to pursue careers in civil engineering by establishing the National Asphalt Pavement Association Research and Education Foundation to provide scholarships, sponsor educational exhibitions, and fund research of national significance relating to hot-mix asphalt;

Whereas the National Asphalt Pavement Association, through members of the Association, endowed the National Center for Asphalt Technology, the world's premier institution for asphalt research, and continues to fund the activities of the Center; and

Whereas the National Asphalt Pavement Association will continue to contribute to research to ensure that the Interstate Highway System will be designed and constructed for perpetual use in order to meet the growing economic and national security needs of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Asphalt Pavement Association on its 50th anniversary; and

(2) recognizes and celebrates the achievements of the members of the National Asphalt Pavement Association for their contributions to the economic well-being of the citizens of the United States.

SENATE CONCURRENT RESOLUTION 31—TO CORRECT THE ENROLLMENT OF H.R. 1268

Mrs. HUTCHISON submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 1268, an Act making emergency

supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, the Clerk of the House of Representatives is hereby authorized and directed to correct section 502 of title V of division B so that clause (ii) of section 106(d)(2)(B) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by such section 502, reads as follows:

''(ii) MAXIMUM.—The total number of visas made available under paragraph (1) from unused visas from the fiscal years 2001 through 2004 may not exceed 50,000.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 606. Mr. CORZINE (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table.

SA 607. Mrs. HUTCHISON (for herself, Mr. NELSON of Nebraska, Mr. BURNS, Mr. PRYOR, and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 608. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 609. Mr. DEWINE (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 610. Mr. FEINGOLD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 611. Mr. ALLEN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 612. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 613. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 614. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 615. Mr. SCHUMER (for himself, Mr. KENNEDY, Mrs. CLINTON, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 616. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. CRAIG, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 605 proposed by Mr. INHOFE to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 617. Mrs. HUTCHISON (for herself, Mr. NELSON, of Nebraska, Mr. BURNS, Mr. SHELBY, Mr. PRYOR, and Mr. GRAHAM) proposed an amendment to amendment SA 605 proposed by Mr. INHOFE to the bill H.R. 3, supra.

SA 618. Mr. HARKIN (for himself, Mr. KENNEDY, Mr. OBAMA, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS—(CORRECTION)

SA 605. On page S4748 of the RECORD of May 9, 2005, Vol. 151, No. 59, correct the amount shown under ''(c) MAJOR CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309(i)(2)(A)—''(3). . .'' to read ''$1,697,663,000 for fiscal year 2008; and . . .''

TEXT OF AMENDMENTS

SA 606. Mr. CORZINE (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

After section 1703, insert the following:

SEC. 17___. LETTING OF CONTRACTS.

Section 112 of title 23, United States Code, is amended by adding at the end the following:

''(g) EFFECT OF SECTION.—Nothing in this section prohibits a State from enacting a law or issuing an order that limits the amount that an individual that is a party to a contract with a State agency under this section may contribute to a political campaign.''.

At the end of subtitle G in title I, add the following:

SEC. 17___. DUTIES OF THE SECRETARY OF TRANSPORTATION.

Section 5323(h) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and identing appropriately;

(2) by striking ''A grant or loan'' and inserting the following:

''(1) IN GENERAL.—A grant or loan''; and

(3) by adding at the end the following:

''(2) PROCUREMENT REQUIREMENTS.—The enactment of a law or issuance of an order by a State that limits the amount of money that may be contributed to a political campaign by an individual doing business with a grantee shall be considered to be in accordance with Federal competitive procurement requirements.''.

SA 607. Mrs. HUTCHISON (for herself, Mr. NELSON of Nebraska, Mr. BURNS, Mr. PRYOR, and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1609(a) and insert the following:

(a) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—Section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212) is repealed.

SA 608. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GRANT PROGRAM FOR COMMERCIAL DRIVER TRAINING.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program for making grants to commercial driver training schools and programs for the purpose of providing financial assistance to entry level drivers of commercial vehicles (as defined in section 31301 of title 49, United States Code).

(b) FEDERAL SHARE.—The Federal share of the cost for which a grant is made under this section shall be 80 percent.

(c) FUNDING.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the purpose of carrying out this section $5,000,000 for each of the fiscal years 2006 through 2009.

SA 609. Mr. DEWINE (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRESIDENTIAL COMMISSION ON ALCOHOL-IMPAIRED DRIVING.

(a) FINDINGS.—Congress finds that—

(1) there has been considerable progress over the past 25 years in reducing the number and rate of alcohol-related highway fatalities;

(2) the National Highway Traffic Safety Administration projects that fatalities in alcohol-related crashes declined in 2004 for the second year in a row;

(3) in spite of this progress, an estimated 16,654 Americans died in 2004, in alcohol-related crashes;

(4) these fatalities comprise 39 percent of the annual total of highway fatalities;

(5) about 250,000 are injured each year in alcohol-related crashes;

(6) the past 2 years of decreasing alcohol-related fatalities follows a 3-year increase;

(7) drunk driving is the Nation's most frequently committed violent crime;

(8) the annual cost of alcohol-related crashes is over $100,000,000,000, including $9,000,000,000 in costs to employers;

(9) a Presidential Commission on Drunk Driving in 1982 and 1983 helped to lead to substantial progress on this issue; and

(10) these facts point to the need to renew the national commitment to preventing these deaths and injuries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, in an effort to further change the culture of alcohol impaired driving on our Nation's highways, the President should consider establishing a Presidential Commission on Alcohol-Impaired Driving—

(1) comprised of—

(A) representatives of State and local governments, including state legislators;

(B) law enforcement;

(C) traffic safety experts, including researchers;

(D) victims of alcohol-related crashes;

(E) affected industries, including the alcohol, insurance, and auto industries;

(F) the business community;

(G) labor;

(H) the medical community;

(I) public health; and

(J) Members of Congress; and

(2) that not later than September 30, 2006, would—

(A) conduct a full examination of alcohol-impaired driving issues; and

(B) make recommendations for a broad range of policy and program changes that would serve to further reduce the level of deaths and injuries caused by drunk driving.

SA 610. Mr. FEINGOLD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 179(a) of title 23, United States Code (as added by section 7139(a)), insert ''previously verified as accurate'' after ''other information''.

In section 179(a) of title 23, United States Code (as added by section 7139(a)), strike ''with a system using scoring models and algorithms''.

In section 179(d)(1) of title 23, United States Code (as added by section 7139(a)), strike ''use multiple sources'' and insert ''ensure accurate sources''.

In section 179(d)(3) of title 23, United States Code (as added by section 7139(a)), strike ''and'' at the end.

In section 179(d) of title 23, United States Code (as added by section 7139(a)), strike paragraph (4) and insert the following:

''(4) incorporate a comprehensive program ensuring administrative, technical, and physical safeguards to protect the privacy and security of means of identification (as defined in section 1028(d) of title 18, United States Code), against unauthorized and fraudulent access or uses;

''(5) impose limitations to ensure that any information containing means of identification transferred or shared with third-party vendors for the purposes of the information-based identity authentication described in this section is only used by the third-party vendors for the specific purposes authorized under this section;

''(6) include procedures to ensure accuracy and enable applicants for commercial driver's licenses who are denied licenses as a result of the information-based identity authentication described in this section, to appeal the determination and correct information upon which the comparison described in subsection (a) is based;

''(7) ensure that the information-based identity authentication described in this section—

''(A) can accurately assess and authenticate identities; and

''(B) will not produce a large number of false positives or unjustified adverse consequences;

''(8) create penalties for knowing use of inaccurate information as a basis for comparison in authenticating identity; and

''(9) adopt policies and procedures establishing effective oversight of the information-based identity authentication systems of State departments of motor vehicles.''.

SA 611. Mr. ALLEN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 7216(a) of the bill and insert the following:

(a) IN GENERAL.—Section 405 is amended to read as follows:

''§ 405. Safety belt performance grants

''(a) IN GENERAL.—The Secretary of Transportation shall award grants to States in accordance with the provisions of this section to encourage the use of safety belts in passenger motor vehicles.

''(b) GRANTS FOR SAFETY BELT USE.—

''(1) IN GENERAL.—The Secretary shall make a single grant to each State that has a State safety belt use rate for the immediately preceding calendar year of 85 percent or more, as measured by the National Center for Statistics and Analysis.

''(2) AMOUNT.—The amount of a grant available to a State in fiscal year 2006 or in a subsequent fiscal year under paragraph (1) of this subsection is equal to 500 percent of the amount apportioned to the State for fiscal year 2003 under section 402(c).

''(3) SHORTFALL.—If the total amount of grants provided for by this subsection for a fiscal year exceeds the amount of funds available for such grants for that fiscal year, then the Secretary shall make grants under this subsection to States in the order in which the State's safety belt use rate was 85 percent or more for 2 consecutive calendar years, as measured by the National Center for Statistics and Analysis.

''(4) CATCH-UP GRANTS.—The Secretary shall award a grant to any State eligible for a grant under this subsection that did not receive a grant for a fiscal year because its safety belt use rate is 85 percent or more for the calendar year preceding such next fiscal year.

''(c) ALLOCATION OF UNUSED GRANT FUNDS.—The Secretary shall award additional grants under this section from any amounts available for grants under this section that, as of July 1, 2009, are neither obligated nor expended. The additional grants awarded under this subsection shall be allocated among all States that, as of July 1, 2009, have a seatbelt usage rate of 85 percent for the previous calendar year. The allocations shall be made in accordance with the formula for apportioning funds among the States under section 402(c).

''(d) USE OF GRANT FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), a State may use a grant awarded under this section for any safety purpose under this title or for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems, including—

''(A) intersection improvements;

''(B) pavement and shoulder widening;

''(C) installation of rumble strips and other warning devices;

''(D) improving skid resistance;

''(E) improvements for pedestrian or bicyclist safety;

''(F) railway-highway crossing safety;

''(G) traffic calming;

''(H) the elimination of roadside obstacles;

''(I) improving highway signage and pavement marking;

''(J) installing priority control systems for emergency vehicles at signalized intersections;

''(K) installing traffic control or warning devices at locations with high accident potential;

''(L) safety-conscious planning;

''(M) improving crash data collection and analysis; and

''(N) increasing road or lane capacity.

''(2) SAFETY ACTIVITY REQUIREMENT.—Notwithstanding paragraph (1), the Secretary shall ensure that at least $1,000,000,000 of amounts received by States under this section are obligated or expended for safety activities under this chapter.

''(e) CARRY-FORWARD OF EXCESS FUNDS.—If the amount available for grants under this section for any fiscal year exceeds the sum of the grants awarded under this section for that fiscal year, the excess amount and obligational authority shall be carried forward and made available for grants under this section in the succeeding fiscal year.

''(f) FEDERAL SHARE.—The Federal share payable for grants awarded under this section is 100 percent.

''(g) DEFINITION.—In this section, the term 'passenger motor vehicle' means—

''(1) a passenger car;

''(2) a pickup truck; or

''(3) a van, minivan, or sport utility vehicle, with a gross vehicle weight rating of less than 10,000 pounds.''.

SA 612. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title I, add the following:

SEC. 18___. DESIGNATION OF HIGH DESERT CORRIDOR AS HIGH PRIORITY CORRIDOR.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by adding at the end the following:

''(46) The High Desert Corridor/E–220 from Los Angeles, California to Las Vegas, Nevada via Palmdale and Victorville, California.''.

SA 613. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title I, add the following:

SEC. 18___. DESIGNATION OF ECONOMIC LIFELINE CORRIDOR AS HIGH PRIORITY CORRIDOR.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by adding at the end the following:

''(46) The Economic Lifeline Corridor along I–15 and I–40 in California, Arizona, and Nevada, including I–215 south from near San Bernardino to Riverside and State Route 91 from Riverside to its intersection with I–15 near Corona in California.''.

SA 614. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title I, add the following:

SEC. 18___. DESIGNATION OF CROSS VALLEY CONNECTOR AS HIGH PRIORITY CORRIDOR.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by adding at the end the following:

''(46) The Cross Valley Connector linking Interstate 5 and State Route 14 in Santa Clarita Valley, California.''.

SA 615. Mr. SCHUMER (for himself, Mr. KENNEDY, Mrs. CLINTON, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 628, line 23, strike ''$155'' and insert ''$155 ($170 for 2007, $185 for 2008 and $200 for 2009 and thereafter)''.

On page 629, line 5, strike ''2008'' and insert ''2009''.

On page 629, line 7, strike ''2007'' and insert ''2008''.

SA 616. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. CRAIG, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 605 proposed by Mr. INHOFE to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 357, line 5, strike ''and''.

On page 357, line 8, strike the period at the end and insert ''; and''.

On page 357, between lines 8 and 9, insert the following:

''(3) support the planning, development, and construction of high priority corridors identified by section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2032).

On page 357, strike lines 12 through 14 and insert the following:

''(c) ELIGIBLE ACTIVITIES.—The Secretary shall make allocations under this program for—

''(1) multistate highway and multimodal planning studies and construction; and

''(2) coordinated planning, development, and construction of high priority corridors identified by section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2032).

SA 617. Mrs. HUTCHISON (for herself, Mr. NELSON of Nebraska, Mr. BURNS, Mr. SHELBY, Mr. PRYOR, and Mr. GRAHAM) proposed an amendment to amendment SA 605 proposed by Mr. INHOFE to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows:

On page 250, strike lines 17 through 19 and insert the following:

(B) by striking paragraph (2) and inserting the following:

''(2) LIMITATION.—The Secretary may permit the collection of tolls under this subsection on 1 facility in the State of Virginia.'';

SA 618. Mr. HARKIN (for himself, Mr. KENNEDY, Mr. OBAMA, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. ___. NONMOTORIZED TRANSPORTATION SAFETY.

Section 120(c) of title 23, United States Code, is amended—

(1) in the first sentence, by striking ''The Federal'' and inserting the following:

''(1) IN GENERAL.—The Federal''; and

(2) by adding at the end the following:

''(2) STATEMENT OF POLICY BY STATE TRANSPORTATION DEPARTMENTS.—

''(A) IN GENERAL.—Each State transportation department shall adopt a statement of policy ensuring that the needs and safety of all road users (including the need for pedestrian and bicycle safety) are fully integrated into the planning, design, operation and maintenance of the transportation system of the State transportation department.

''(B) BASIS.—In the case of bicycle and pedestrian safety, the statement of policy shall be based on the design guidance on accommodating bicyclists and pedestrians of the Federal Highway Administration adopted in February 2000.

''(C) REPORTS.—Not later 1 year after the date of enactment of this paragraph, and each year thereafter, the Secretary shall submit to Congress a report on the statements of policy adopted under this paragraph.

''(3) NONMOTORIZED TRANSPORTATION GOAL.—

''(A) IN GENERAL.—The Secretary shall take such actions as are necessary to, to the maximum extent practicable, increase the percentage of trips made by foot or bicycle while simultaneously reducing crashes involving bicyclists and pedestrians by 10 percent, in a manner consistent with the goals of the national bicycling and walking study conducted during 1994.

''(B) ADMINISTRATION.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish such baseline and completion dates as are necessary to carry out subparagraph (A).

''(4) RESEARCH FOR NONMOTORIZED USERS.—

''(A) FINDINGS.—Congress finds that—

''(i) it is in the national interest to meet the goals of the national bicycling and walking study by the completion date established under paragraph (3)(B);

''(ii) research into the safety and operation of the transportation system for nonmotorized users is inadequate, given that almost 1 in 10 trips are made by foot or bicycle and 1 in 8 traffic fatalities involves a bicyclist or pedestrian; and

''(iii) inadequate data collection, especially on exposure rates and infrastructure needs, are hampering efforts to improve bicycle and pedestrian safety and use to meet local transportation needs.

''(B) ALLOCATION OF RESEARCH FUNDS FOR NONMOTORIZED USERS.—

''(i) IN GENERAL.—The Secretary shall submit to Congress an annual report on the percentage of research funds that are allocated (for the most recent fiscal year for which data are available) to research that directly benefits the planning, design, operation, and maintenance of the transportation system for nonmotorized users—

''(I) by the Department of Transportation; and

''(II) by State transportation departments.

''(ii) NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM.—The Transportation Research Board of the National Academy of Sciences shall submit to Congress an annual report on the percentage of research funds under the National Cooperative Highway Research Program that are allocated (for the most recent fiscal year for which data are available) to research that directly benefits the planning, design, operation, and maintenance of the transportation system for nonmotorized users.

''(iii) DEPARTMENT OF TRANSPORTATION ALLOCATION.—Effective beginning with the third full fiscal year that begins after the date of enactment of this paragraph, the Secretary shall allocate at least 10 percent of the research funds that are allocated by the Department of Transportation for each fiscal year to research that directly benefits the planning, design, operation, and maintenance of the transportation system for nonmotorized users.

''(5) METROPOLITAN PLANNING ORGANIZATIONS.—

''(A) BICYCLE/PEDESTRIAN COORDINATORS.—A metropolitan planning organization that serves a population of 200,000 or more shall designate a bicycle/pedestrian coordinator to coordinate bicycle and pedestrian programs and activities carried out in the area served by the organization.

''(B) CERTIFICATION.—A metropolitan planning organization described in subparagraph (A) shall certify to the Secretary, as part of the certification review, that—

''(i) the needs of bicyclists and pedestrians (including people of all ages, people who use wheelchairs, and people with vision impairment) have been adequately addressed by the long-range transportation plan of the organization; and

''(ii) the bicycle and pedestrian projects to implement the plan in a timely manner are included in the transportation improvement program of the organization.

''(C) LONG-RANGE TRANSPORTATION PLANS.—

''(i) IN GENERAL.—Except as provided in clause (ii), a metropolitan planning organization described in subparagraph (A) shall develop and adopt a long-range transportation plan that—

''(I) includes the most recent data available on the percentage of trips made by foot and by bicycle in each jurisdiction;

''(II) includes an improved target level for bicycle and pedestrian trips; and

''(III) identify the contribution made by each project under the transportation improvement program of the organization toward meeting the improved target level for trips made by foot and bicycle.

''(ii) APPLICATION.—Clause (i) does not apply to a metropolitan planning organization that adopts the design guidance described in paragraph (3)(B) for all transportation projects carried out by the organization.

''(D) LOCAL JURISDICTIONS.—A metropolitan planning organization described in subparagraph (A) shall work with local jurisdictions that are served by the organization to maximize the efforts of the local jurisdictions to include sidewalks, bikepaths, and road intersections that maximize bicycle and pedestrian safety in the local transportation systems of the local jurisdictions.''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 11, 2005, at 9:30 a.m. in room 106 of the Dirksen Senate Office Building to conduct an Oversight Hearing on Federal Recognition of Indian Tribes.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 10, 2005, at 2:30 p.m., on Identity Theft.

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

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Continued Oversight of the USA PATRIOT

Act'' on Tuesday, May 10, 2005 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Panel I: The Honorable Larry E. Craig, United States Senator, R–ID, The Honorable Richard J. Durbin, United States Senator, D–IL.

Panel II: The Honorable Bob Barr, Former Member of Congress, Chairman, Patriots to Restore Checks and Balances, Atlanta, GA; David Cole, Professor of Law, Georgetown University Law Center, Washington, DC; Daniel P. Collins, Partner, Munger, Tolles & Olsen LLP, Los Angeles, CA; James X. Dempsey, Executive Director, Center for Democracy & Technology, Washington, DC; Andrew C. McCarthy, Attorney and Senior Fellow, The Foundation for the Defense of Democracies, Washington, DC; Suzanne E. Spaulding, Managing Director, The Harbour Group, LLC, Washington, DC.

The PRESIDING OFFICER. Without objections it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 10, 2005, at 2:30 p.m. to hold a hearing.

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

SUBCOMMITTEE ON AIRLAND

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on Tuesday, May 10, 2005, at 3:30 p.m. in closed session to mark up the Airland Programs and provisions contained in the National Defense Authorization Act for fiscal year 2006.

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

SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE SAFETY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Workplace Safety be authorized to hold a hearing during the session of the Senate on Tuesday, May 10, 2005, at 2 p.m. in SD–430.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Tuesday, May 10, 2005, at 2:30 p.m.

The purpose of the hearing is to review the National Park Service's funding needs for administration and management of the National Park System.

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

SUBCOMMITTEE ON SEAPOWER

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet during the session of the Senate on Tuesday, May 10, 2005 at 2:30 p.m. in closed session to mark up the Seapower programs and provisions contained in the National Defense Authorization Act for fiscal year 2006.

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

SUBCOMMITTEE ON THREATS AND CAPABILITIES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on Tuesday, May 10, 2005 at 5 p.m. in closed session to mark up the emerging threats and capabilities programs and provisions contained in the National Defense Authorization Act for fiscal year 2006.

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

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. I ask unanimous consent the following fellows of the Finance Committee be granted the privilege of the floor for the duration of the debate on the Transportation reauthorization bill: Mary Baker and Stuart Sirkin.

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

RECOGNIZING THE 13TH ANNUAL NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 133, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 133) recognizing the 13th Annual National Association of Letter Carriers Food Drive.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc that the motions to reconsider be laid upon the table en bloc and that any statements relating to the resolution be printed in the RECORD, with no intervening action or debate.

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

The resolution (S. Res. 133) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 133

Whereas in 2003, 3,900,000 men, women, and children went hungry every day, a troubling statistic that has steadily increased in recent years;

Whereas 23,000,000 men and women and more than 9,000,000 children rely on food banks to survive every year;

Whereas in 1992, the National Association of Letter Carriers recognized this crisis and began the ''Stamping Out Hunger'' national food drive;

Whereas 1,400 National Association of Letter Carriers branches in more than 10,000 cities in all 50 States have collected millions of pounds of food every year since 1992;

Whereas in 2004, the National Association of Letter Carriers collected a record-breaking 70,900,000 pounds of food;

Whereas the National Association of Letter Carriers provides desperately needed resources to food banks in the spring and summer months, the time when donations levels are at their lowest;

Whereas the National Association of Letter Carriers has created much needed bridges between its hard working members, residents in their communities, and those in need;

Whereas the National Association of Letter Carriers Food Drive will take place on May 14, 2005;

Whereas the National Association of Letter Carriers will send nearly 150,000,000 postcards to postal customers to urge donations for the Food Drive; and

Whereas letter carriers will be collecting food, as well as mail, at mailboxes across the country, performing their daily job, and collecting food for the hungry, come rain or shine: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the members of the National Association of Letter Carriers for their hard work on behalf of the millions of people who go hungry each day; and

(2) encourages the people of the United States to follow the example of the members of the National Association of Letter Carriers by donating food to local food banks and participating in the National Association of Letter Carriers Food Drive on May 14, 2005, by placing nonperishable food by their mailboxes.

50TH ANNIVERSARY OF THE NATIONAL ASPHALT PAVEMENT ASSOCIATION

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 135, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resoluton (S. Res. 135) congratulatng the National Asphalt Pavement Association on its 50th anniversary and recognizing the contributions of members of the Association to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. Mr. President, I wish to speak about S. Res. 135 which recognizes the outstanding accomplishments of the National Asphalt Pavement Association, NAPA, as it celebrates it 50th Anniversary on May 17, 2005. I am joined by my colleagues, Senators BOND, JEFFORDS and BAUCUS. NAPA is the only national association that exclusively represents an industry comprised of 1,500 asphalt companies nationwide, employing over 300,000 men and women.

Today when we think of highways and roads, we think of the cars and trucks that use these facilities. We think of the agricultural products being shipped from farm to market, or packages being shipped from factories right to our homes. We think of mothers picking up their children after

school, and families taking trips to the beach during the summer. Of course, we also think of commutes to and from work.

What I have just described is our American economy in motion, and none of it would be possible without quality highway pavements of which asphalt is one. Just 50 years ago, the country faced a transportation crisis. In 1955, it was not easy to travel from city to city because the Interstate Highway System did not exist. The roads were unsafe, slow, and difficult to use. Traveling from city to city, which today could be done in hours took days.

In the early 20th century, asphalt pavements helped get America out of the mud. In the latter half of that century, the new Interstate Highway System improved our mobility and helped sustain our country's economic growth. The Interstate Highway System's pavements literally were the foundation upon which the United States and her people were able to emerge as the leaders of the world.

It was no accident that NAPA was formed just as the Federal-Aid Highway Act of 1956 was winding its way through Congress. The industry was challenged by the need to construct long lasting pavements that could meet the tougher standards of the Interstate Highway System. In rising to that challenge, the first ambitious program announced by the association was the Quality Improvement Program. Ever since then, dedication to helping its members deliver the best quality asphalt pavement has been a top priority.

I am very proud of the fact that the late John W. Kelly, of the firm Amis & Kelly Construction Company in Oklahoma City, was one of the founding fathers of NAPA. From 1958 to 1960, John W. Kelly served as the second president of the Association. NAPA has also enjoyed 50 years of strong partnership with the Oklahoma Asphalt Pavement Association which was formed in 1952.

I congratulate NAPA and its members for 50 years of leadership and involvement in constructing a world-class road system.

Mr. SESSIONS. 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. 135) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 135

Whereas in 2005, the National Asphalt Pavement Association (incorporated on May 17, 1955, as the National Bituminous Concrete Association) celebrates its 50th anniversary;

Whereas the members of the National Asphalt Pavement Association play a key role in strengthening the economy of the United States and promoting the mobility of citizens of the United States by providing hot-mix asphalt used in the construction of the 41,000-mile Interstate Highway System and other highways, streets, roads, parking lots, and airports;

Whereas the National Asphalt Pavement Association has focused on continually improving the quality of asphalt pavement by establishing a quality improvement program;

Whereas the National Asphalt Pavement Association has facilitated technology transfer and advanced new asphalt pavement technologies through partnerships, scanning tours, publications, and presentations;

Whereas the National Asphalt Pavement Association, through members of the Association, has fostered and encouraged young people to pursue careers in civil engineering by establishing the National Asphalt Pavement Association Research and Education Foundation to provide scholarships, sponsor educational exhibitions, and fund research of national significance relating to hot-mix asphalt;

Whereas the National Asphalt Pavement Association, through members of the Association, endowed the National Center for Asphalt Technology, the world's premier institution for asphalt research, and continues to fund the activities of the Center; and

Whereas the National Asphalt Pavement Association will continue to contribute to research to ensure that the Interstate Highway System will be designed and constructed for perpetual use in order to meet the growing economic and national security needs of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Asphalt Pavement Association on its 50th anniversary; and

(2) recognizes and celebrates the achievements of the members of the National Asphalt Pavement Association for their contributions to the economic well-being of the citizens of the United States.

HONORING TUSKEGEE AIRMEN FOR THEIR BRAVERY IN FIGHTING FOR OUR FREEDOM IN WORLD WAR II

Mr. SESSIONS. I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H. Con. Res. 26, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res 26) 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.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. I ask unanimous consent that the concurrent 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 concurrent resolution (H. Con. Res. 26) was agreed to.

The preamble was agreed to.

Mr. SESSIONS. Mr. President, I note that I am extremely proud, as all of our Nation is, of the Tuskegee Airmen. Recently, I had the privilege to be in Iraq and visit the airbase where the unit, still known as the Tuskegee Airmen, was deployed. They had their banners up and it was an honor to be with them. Their heritage of excellence lives on.

CALLING ON GOVERNMENT OF FEDERAL REPUBLIC OF NIGERIA TO TRANSFER CHARLES GHANKAY TAYLOR, FORMER PRESIDENT OF REPUBLIC OF LIBERIA, TO SPECIAL COURT FOR SIERRA LEONE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 127, which we received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 127) calling on the Government of the Federal Republic of Nigeria to transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes against humanity, and other serious violations of international humanitarian law.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 127) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—S. 989

Mr. SESSIONS. I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 989) to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

Mr. SESSIONS. 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 its second reading on the next legislative day.

MEASURE PLACED ON THE CALENDAR—S. 981

Mr. SESSIONS. I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 981) to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

The PRESIDING OFFICER. There being no objection to further proceeding, the bill will be referred to the appropriate committee.

ORDERS FOR WEDNESDAY, MAY 11, 2005

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 11. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 3, the highway bill.

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

PROGRAM

Mr. SESSIONS. On behalf of the leader, I have the following announcement. Tomorrow, following morning business, the Senate will resume consideration of the highway bill. We need to make significant progress on the highway bill during tomorrow's session. Moments ago, cloture was filed on the pending substitute and the underlying bill. This will allow a full day of consideration tomorrow, and if cloture is invoked on Thursday, there will be an additional 30 hours available for consideration. Therefore we expect votes throughout the day on Wednesday. Also, in accordance with rule XXII, all first-degree amendments should be filed by 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:24 p.m., adjourned until Wednesday, May 11, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING MR. AND MRS. JAY McDOUGAL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. NEY. Mr. Speaker:

Whereas, Jay and Sarah McDougal were united in marriage April 23, 2005 in Marietta, Ohio; and

Whereas, Jay and Sarah McDougal have dedicated their lives to each other; and

Whereas, Jay and Sarah McDougal shared their wedding day with family and friends; and

Whereas, Jay and Sarah McDougal have illustrated the love and commitment necessary to live a long and beautiful life together.

Therefore, I join with their family, friends, and the entire 18th Congressional District of Ohio in congratulating Jay and Sarah McDougal on the occasion of their marriage.

IN HONOR OF CHARLOTTE FRAAS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, it is with the deepest sorrow that I rise to honor a woman who gave so much to the Congress, to children and students in America, to her family and friends, and to me as a trusted aide and friend.

Charlotte Fraas died today after a long battle with brain cancer. She leaves behind her loving and devoted husband Phil, her two beautiful and smart teenage children, Paul and Katie, her dogs, and many close friends at the Congressional Research Service and across the country.

Charlotte, full of grace and beauty, has left us her spirit to keep. In the pain and sorrow of her untimely death, we have the memory of her wonderful life to hold.

Charlotte was my legislative director for two years, between 1993 and 1995. And she was a class act.

There are many important skills a good congressional aide must possess—being smart, well-informed, good at writing and speaking, and so forth. But there is another quality that is rarer but especially important—being able to tell your boss that he or she might be wrong. Charlotte could do that. With a quick glance she could let me know whether I was on track, or off, and would be ready with an alternative.

Charlotte was instrumental in my work on so many issues, including Social Security, higher education, education for children with disabilities, but most importantly on the reauthorization of the Elementary and Secondary Education Act. Her knowledge of the history of the law and the details of the issues involved in the reauthorization was outstanding. She was dedicated to getting it right. And she did so with such grace and class.

She was really a star.

After she left my office, Charlotte worked briefly for the Department of Education under President Clinton and then became the head of government affairs for the American Federation of Teachers where I continued to appreciate Charlotte's professionalism.

But the bulk of her career—more than 20 years—was spent at the Congressional Research Service at the U.S. Library of Congress, providing expert analysis and assistance to Members of Congress from both sides of the aisle and to their committees and personal staff.

Charlotte had a distinguished career of active engagement in and in support of the legislative process while at the Congressional Research Service. She received numerous ''outstanding'' performance ratings, very infrequently awarded in the Service. Charlotte was unusually productive during her career at CRS. The CRS archives contain over 200 reports and substantive, confidential memoranda that she prepared over the period of 1970 to 1993. Her CRS reports were not only numerous but also of the highest quality. For example, Section management used Charlotte's work as a model for other analysts. She was also highly respected by her colleagues and was frequently chosen by her peers, as well as by management, to lead team efforts.

Charlotte worked in a wide variety of issue areas, beginning her career with responsibilities in the topics of veterans and the G.I. Bill, immigration and refugees, and crime, especially juvenile justice/delinquency. She was the lead CRS analyst supporting congressional consideration of the Refugee Act of 1980. However, during most of her career at CRS, Charlotte was a specialist in education policy, serving as CRS' lead analyst on two of the largest, most complicated, and significant education assistance programs.

For many years Charlotte was the lead CRS analyst in the major and complex area of education for students with disabilities. This legislation—then called the Education of the Handicapped Act and now known as the Individuals with Disabilities Education Act—has myriad complex, and sometimes controversial, provisions aimed at improving educational opportunities for all students with disabilities. Charlotte was the lead analyst in this area during the 1980s, supporting congressional consideration of the Education of the Handicapped Act amendments of 1983 (P.L. 98–199) and the Education of the Handicapped Act Amendments of 1986 (P.L. 99–457). Her work was especially helpful to Congress as it considered legislation to expand assistance to include infants and toddlers with disabilities.

For the last several years of her service at CRS, Charlotte was the lead analyst on major programs of the Higher Education Act, the primary source of federal aid to postsecondary education. In the mid-1980s, she lead a CRS team that prepared a groundbreaking series of analyses of the relationships between federal aid programs and the growing for-profit sector of postsecondary education. She was responsible for and especially productive in preparing high quality analyses of the increasingly important higher education student loan programs. These are the most wide-ranging and complex forms of federal aid to education at any level. In particular, she lead the Service's support of congressional debates on student loans during consideration of the Higher Education Amendments of 1986 (P.L. 99–498) and the Higher Education Amendments of 1992 (P.L. 102–325). In the early 1990s she prepared ground-breaking analyses of the highly charged issues associated with the Administration proposal to replace or supplement federally guaranteed loans with direct loans.

Charlotte also supported congressional deliberations in a number of other education-related policy areas. For example, she was the lead CRS analyst on aid to libraries from late 1970s to mid-1980s and particularly supported congressional consideration of the Library Services and Construction Act amendments of 1983.

In addition to her numerous written analyses, during her CRS career Charlotte communicated her policy analyses through multiple consultations, briefings, and testimony in committee hearings; for example, she testified before the House Budget Committee on student loan issues before the House Budget Committee in 1991. Charlotte was one of the most articulate analysts that CRS has had. Other analysts sought her advice about how to approach any number of issues, even those outside her immediate areas of expertise. She understood the impact that analysis could bring to bear on social issues and enabled congressional committees to understand the policy dimensions involved in decisions that came before them.

In all of her work, Charlotte exhibited the highest level of professionalism in serving the Congress on some of the most politically charged issues in education policy. In her career at CRS, she exemplified the best that CRS has to offer the Congress, a consummate professional analyst doing work of the highest caliber on sensitive, difficult issues critical to the Nation's well-being.

Her great achievements at CRS were certainly supported and encouraged by close friends and colleagues, including Angela Evans, Wayne Riddle, Carol O'Shaughnessy, Karen Spar, Joe Richardson, Richard Price, Jim Stedman and Margot Schenet.

In the end, the cancer was too great for even Charlotte's power. But as a testament to the rich life she led, she spent the last weeks of her life in a hospice in Alexandria, Virginia, being visited by one friend and family member after another. The staff at the hospice remarked at how many friends Charlotte had.

To her family, I offer my thanks for giving us Charlotte for the time we had her. The members of my staff in Washington and California and at the Committee on Education and the Workforce join me in sending our deep condolences to her family and friends. We will keep you in our thoughts, just as we will hold Charlotte in our prayers and memories at this saddest of times and forever.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HOLOCAUST REMEMBRANCE DAY

SPEECH OF

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. MICHAUD. Mr. Speaker, I rise to add my voice to those marking this most solemn of days—Yom Hashoah. Holocaust Remembrance Day commemorates one of the darkest periods in our shared human history. We remember the victims of this unspeakable tragedy. At the same time, this day marks the beginning of the Warsaw Ghetto uprising, and we celebrate the indomitable spirit of freedom and hope that resides in all of us.

This day does not belong to one people or commemorate just one moment in time. Yom Hashoah reminds us of the darkness and evil that still exists in this world and charges each of us to stand against the atrocities that men can bring about.

We remember only too well the horrors of ''ethnic cleansing'' in the Balkans and the genocide in Rwanda just a few years ago. Not only do we remind ourselves of the evils of our recent past, but also we take this time to look at the world we live in today as well. Religious, ethnic, racial and cultural strife continue to divide people around the world. Despite the lessons of our past, we are shamed by the knowledge that the world community was once again too slow to respond to the tragedy that is taking place in the Darfur region of Sudan. We Are shamed by the knowledge that we have the ability to prevent genocide and suffering, but we do not act.

That is why it is so important that we speak out today to remember the victims of the Holocaust and of all genocides throughout the world. This year marks the 60th Anniversary of the end of World War II. Our greatest generation did not stand still against this evil. We must be ready and willing to follow in their footsteps.

Merely saying ''never again'' is not enough. Only by raising awareness of these atrocities can we begin to stop them from happening to any group or people again. While this day is somber and full of self-reflection, it is important to also recall the kindness of so many who risked everything to save and hide their neighbors, friends, or even complete strangers.

For many people, the bravery of Anne Frank sums up the best hopes for the future of humanity. Though she and her family fell victim to the horror, and ultimate fate of millions, she still wrote in her diary:

''I don't think of all the misery, but of all the beauty that still remains. . . . In spite of everything, I still believe that people are really good at heart.''

Through understanding our past and each other, we can create the beautiful, peaceful, and hopeful world Anne Frank once envisioned.

A PROCLAMATION HONORING CHOLENE ESPINOZA ON HER 40TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. NEY. Mr. Speaker:

Whereas, Cholene Espinoza is celebrating her 40th Birthday today; and

Whereas, Cholene Espinoza has been a positive influence on those individuals who have been fortunate to meet her; and

Whereas, Cholene Espinoza has exemplified a love for her family and friends and must be commended for her dedication to helping others.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Cholene Espinoza as she celebrates her 40th Birthday.

HONORING THE VAN VANDALS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to honor the Van Vandals boy's basketball team who won the Texas 3A High School Basketball Championship on March 11, 2005. In their first trip to the state finals in 63 years, the Vandals beat Graham High School to return home with the state championship trophy. The victory capped off an outstanding season for the Vandals with an impressive record of 38–2.

I would like to recognize teammates Grant McMillan, Kacey McCauley, Cory Foster, Beau Garland, Marcus Brown, Cody Huffman, Dalvin Davis, Duncan McFarland, Brandon Roberts, Chris Gossett, Andrew Thompson, Kenny Ghormley, Jeramie Calhoun, Wade Mackey, as well as Head Coach Jerry Cassell and Assistant Coaches Jeff Hutchins and Rick Jones.

As the congressional representative of the families, coaches, and supporters of the Van Vandals, it is my pleasure to recognize their tremendous victory and outstanding season. This is an accomplishment that these young men will remember for the rest of their lives.

TRIBUTE TO LLOYD CUTLER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. CONYERS. Mr. Speaker, I rise in tribute to a friend and champion of democracy, Lloyd Cutler. Sadly, Lloyd passed away this past Sunday.

His accomplishments are too numerous to list. Serving as Counsel to two presidents and founding a distinguished law firm are just two of the feats he is known for. But Lloyd was more than just the Washington insider he is often portrayed as and his legacy extends far beyond the highest levels of our government; his connections to Presidents did not diminish his resolve to fight for the rights of all Americans.

At President Kennedy's request, he founded and co-chaired the Lawyers' Committee for Civil Rights Under Law and developed the organization's mission to engage private lawyers in securing equal justice for all minorities and races in our nation. Indeed, it was because of Lloyd's efforts that many of those arrested for protesting segregation decades ago received legal representation.

He also never wavered in his commitment to the preservation of our democracy anytime the strength of our democracy came into question. After the tragedy of September 11, he was a welcome co-chair of the Continuity of Government Commission. After the 2000 elections, he led the National Commission on Federal Election Reform to ensure no American would be denied the right to vote.

What many may not know is that even as a young man, Lloyd was not content to sit by the sidelines in times of trouble. As a newly minted lawyer, he left a high-profile New York law firm at the start of World War II to enlist in the Army. Time and time again, the pattern has repeated itself; where others saw challenges and setbacks to our country, Lloyd saw another opportunity to serve.

He was a model of civility and bipartisanship that almost seems anachronistic in today's strident debates. It has been said that cooler heads prevail; it must be true because Lloyd accomplished so much.

LIEUTENENT GENERAL BRIAN A. ARNOLD—A CAREER OF SERVICE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Ms. HARMAN. Mr. Speaker, commanding the Space and Missiles System Center at the Los Angeles Air Force Base, the Nation's leading supplier of military space technology, is an accomplishment in itself. Leading the base to an unprecedented 41 consecutive successful launches is nothing short of historic. Lt. Gen. Brian A. Arnold, a 34-year veteran of the United States Air Force, has achieved this record over the past 4 years.

As Base Commander, the three star General has managed the entire spectrum of the Air Force's missile and satellite systems—from research and design to the command, control and launch of these systems.

General Arnold's record of success is more than a statistical anomaly. His organization is responsible for providing cutting edge space technology to the warfighter by creating transformational technologies like the Evolved Expendable Launch Vehicle; the Space-Based Infrared System; military communication satellites; the Navstar Global Positioning System; intercontinental ballistic missile programs; the Defense Meteorological Satellite Program; and many other emerging systems critically important to the warfighter.

Leading more than 6,500 employees nationwide, with an annual budget of $10 billion and an active program portfolio of $60 billion, General Arnold has established SMC as the Nation's leading center of excellence for military space acquisition.

Under his stewardship, the El Segundo base has built a record of excellence translating directly to a more cost-effective military and a safer America.

Before becoming a guiding force in space procurement, General Arnold spent the majority of his career as a pilot in FB–111 and B–52 aircraft, serving with distinction as a squadron commander, wing commander and sub-unified commander.

Fortunately, General Arnold's retirement from the Los Angeles Air Force Base does not mean that he is leaving the South Bay, as he and his delightful wife Tina will be residing in San Pedro, a part of my Congressional District.

I join the airmen and airwomen at the Los Angeles Air Force Base, as well as countless space program team members, in thanking General Arnold for his outstanding leadership as Base Commander and distinguished service in the war against terrorism.

A PROCLAMATION HONORING BRUCE RATNER ON HIS 60TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. NEY. Mr. Speaker:

Whereas, Bruce Ratner is celebrating his 60th birthday with family and friends; and

Whereas, Bruce Ratner is a positive influence on all persons in his life, leading by example; and

Whereas, Bruce Ratner has exemplified a love for his family, and must be commended for his dedicated service to the community.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Bruce Ratner as he celebrates his 60th birthday.

HONORING FILER ELEMENTARY SCHOOL'S PARTICIPANTS IN THE ''50 MILE BIG WALK''

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to a dedicated group of Filer Elementary School students, teachers, parents and volunteers who will be participating in a fifty mile walk between the Malad Gorge State Park and Filer, Idaho.

Each day this week, the fourth grade class of Filer Elementary School will walk 10 miles along the Snake River Canyon, following the same path crossed over 150 years ago by settlers migrating west on the Oregon trail. These students have been training for months for this big week where they will literally be taking school out on the road. By participating in a physical challenge that is attainable through goal setting, hard work and perseverance, these students redefine their personal potential far beyond what they once thought possible.

While the students journey through Southern Idaho, they will learn about and identify the large melon shaped boulders along the Snake River Canyon that were formed 15,000 years ago. They will also learn about the hardships faced by the first settlers in whose footsteps they are following. Much like Lewis and Clark, every evening the students will record their impressions in a journal. These journals become a reflection of the transformation that takes place within these children during this memorable week.

Over the past 10 years, more than 1,000 students, teachers, parents and volunteers have completed the ''50 Mile Big Walk'' The students come to understand that if you can walk 50 miles when you are in fourth grade, there isn't anything in life you can't do if you set a goal, work hard and help others along the way.

Mr. Speaker, I would like to congratulate everyone involved in the ''50 Mile Big Walk'' and commend them on their hard work and dedication. To the walkers, I want you to know that I will be thinking of you and wishing you well every step of the way. Thank you, Filer Elementary School for being an inspiration to us all.

HONORING THE LIFE OF ALVARO AGUIRRE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. PORTER. Mr. Speaker, I rise today to pay tribute to the life and achievements of Mr. Alvaro Aguirre. A lifelong educator and member of the Latin Chamber, Las Vegas, Nevada, 74, Mr. Aguirre passed away peacefully the morning of Friday, April 22, 2005. Born to Arturo Aguirre Matheu and Marta Diaz Raphael on December 22, 1930, in Guatemala City, Guatemala, Alvaro moved to the United States when he was 17 years of age, graduated from San Mateo Junior College, with a degree in Biochemistry from the University of California at Berkeley. He later completed his doctoral studies in Animal Nutrition at the University of Florida.

Alvaro taught at Harvard Project Escuela Agricola Panamericana in Honduras, and served as the professor of the College of Biological Sciences as well as president of the National University of Guatemala San Carlos regional campus system. He served on the team at the Nutritional Institute of Central America and Panama, credited with creating INCAPARINA, a food substitute for indigent people. Additionally, he was active in the Lions International in Guatemala, having served as president of the Quetzaltenango Club.

Alvaro spent his life as an educator and academic counselor. As a bilingual counselor, he helped thousands of Nevada students, prior to his retirement from the Clark County School District. His dedication to providing the youth of southern Nevada with the finest of educations commends us to look to Alvaro as a role model and personification of the value of education.

Alvaro was a loving husband, father, brother, grandfather and friend. My sympathies go out to those who survive him: his loving wife, Eugenia, sons, Alvaro, Jr., Luis Pedro; Aldo Adrian and Hernan, and daughters Rita and Eugenia Maria. Alvaro was blessed with many grandchildren, living in Las Vegas, New Mexico and in Guatemala.

I join the community in thanking Alvaro Aguirre for his dedication, commitment and hard work on behalf of so many communities all across the American continent. Our thoughts and prayers are with his family. I urge all of my colleagues to heed the example set by this extraordinary individual in his devotion to providing education to our most vulnerable children.

COMMENDING THE HEROISM AND VALOR OF THE UNITED STATES NAVY'S CARRIER AIR GROUP 83

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. FOLEY. Mr. Speaker, today I rise to recognize and commend the heroism and valor of the United States Navy's Carrier Air Group 83. During World War II, Navy Carrier Air Group 83 was responsible for the identification of, and subsequent successful attacks on, the Japanese midget submarine base on an island off Okinawa before the invasion by Allied forces in April 1945. Carrier Air Group 83 also attacked and contributed to the sinking of the Japanese battleship *yamato* in April 1945.

Carrier Air Group 83 was specifically commended by the commander of the United States Tenth Army for close air support strikes in support of operations on Okinawa in April 1945, and continued to perform those missions in an exemplary manner through May 1945. In addition, Air Group 83 engaged in attacks against the Kure naval facility and the Japanese battleship *nagato* in July 1945.

Carrier Air Group 83 is credited with the destruction of over 220 Japanese aircraft in aerial combat and over 75 aircraft on the ground during the months of March to August 1945, a critical contribution to Allied victory over the Empire of Japan in the Pacific Theater during World War II. All Americans should know of and commend the heroism and valor of Navy Carrier Air Group 83 and the contribution of that Air Group and its personnel to the defeat of Japan in the Pacific Theater during World War II.

A PROCLAMATION HONORING KAREN RANUCCI ON HER 50TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. NEY. Mr. Speaker:

Whereas, Karen Ranucci is celebrating her 50th Birthday with friends and family; and

Whereas, Karen Ranucci has experienced many accomplishments in all aspects her life; and

Whereas, Karen Ranucci has exemplified love for her family and friends and must be applauded for her devotion to her loved ones.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Karen Ranucci as she celebrates her 50th Birthday.

HONORING DENVER PUBLIC SCHOOLS SUPERINTENDENT JERRY WARTGOW

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Denver Public Schools (DPS) Superintendent Jerry Wartgow, an exceptional leader in our Colorado education community. Dr. Wartgow will leave his post as superintendent on June 1st of this year.

For four years, Superintendent Wartgow has worked tirelessly to improve education in Colorado by closing the achievement gap between minority and non-minority students, raising accountability standards, promoting innovative reform and building a strong relationship between the school district and the city.

Before coming to DPS, Dr. Wartgow was President Emeritus at Colorado Community College and Occupational Education System. He was also the President and Chief Executive Officer for International Training and Education Alliance. Dr. Wartgow holds a PhD from the University of Denver, a Masters Degree of Education from the University of Hawaii, a Bachelor of Science from the University of Wisconsin, and has done post-doctoral work at the East-West Center in Honolulu and Harvard University in Boston.

Denver Public Schools is the second largest school district in Colorado—with an extraordinarily diverse student body—and with a long history of serious challenges that have included teacher strikes, racial and ethnic divisions and difficult budget choices. Jerry has faced each of these challenges head on with characteristic innovation and enthusiasm. Through his leadership a progressive new professional compensation plan will be brought to Denver voters in November 2005. This program, ''ProComp,'' will give teachers financial incentives for student achievement. His vision, compassion and tenacity allowed him to forge alliances between parents, students, teachers and school districts to both raise standards for Colorado kids and to provide teachers the professional opportunities they deserve.

While certainly much work remains to be done, Jerry Wartgow's leadership throughout his tenure as superintendent of DPS has paved a formidable path for the future of education in Colorado. He is widely respected in the community and has set a high bar for his successor. I ask my colleagues to join me in thanking Jerry Wartgow for his enormous contribution to the Colorado education community.

HONORING BEAUMONT, TEXAS MAYOR EVELYN LORD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. POE. Mr. Speaker, I rise today to honor a sterling individual in my Southeast Texas District—the Mayor of Beaumont—Mrs. Evelyn Lord.

Following an over-two-decade-long tradition of service to Jefferson County, she will step down from office on May 17th. Through the years, Mayor Lord has left an indelible imprint on the Beaumont community and while she is entitled to a well-deserved break, she undoubtedly will be missed.

Mayor Lord began her legacy in local government in 1980 when she was elected to the first of two terms on the Beaumont City Council. Her plans to run for office in 1984 were cut short when her husband and close confidant, Sam, was transferred to Northern Ireland by his employer. Towards the end of 1988, however, she returned to Beaumont and was elected mayor two years later. Mayor Lord then served two successful terms and retired in 1994.

At a critical juncture in the City's history, she was encouraged to return to public life and in 2002 was once again elected to the mayorship. Only when she was certain that the City was on the path to healing did she decide to forego a fifth term as Mayor.

During her tenure, Mayor Lord remained keenly aware of the unique threats that the Beaumont area could face in a post-September 11 environment. Accordingly, she shepherded the efforts to develop a distinct homeland security plan for Southeast Texas, which has served as a model state-wide. And, realizing that quality of life issues are often the basis for community revitalization, she spearheaded the creative charge to improve Beaumont's park system through public-private partnerships.

Demonstrating the high regard in which she is held among her peers, Mayor Lord was elected to the Board of Directors of the United States Conference of Mayors and served in such key positions as Chair of the organization's Arts and Recreation Standing Committee and as a member of its Homeland Security Task Force.

Even before she came to Beaumont, Mayor Lord was a committed public servant wherever Sam's career opportunities led them. She was elected as a State Senator in the State of Delaware and served as an Administrative Assistant to a County Judge in Kentucky. In Beaumont, she served with distinction in many capacities, including Vice President of Texas Commerce Bank and as Chairwoman of the Texas State Spindletop Centennial Commission.

Finally, few charitable organizations in Beaumont have escaped Mayor Lord's helping hand, highlighted by her work at the United Way, Texas Energy Museum, Boy Scouts, Julie Rogers ''Gift of Life'' Program, Chamber of Commerce, and Community Partners for Children.

Mayor Lord's leadership at Beaumont City Hall will always be remembered and her accomplishments will be felt throughout the community for years to come. Nonetheless, I am confident that she will not disappear from public life entirely and I join all of those in Texas' Second Congressional District in wishing her and Sam the best as they enter this exciting new phase of their lives.

As Margaret Thatcher once said, ''Success is having a flair for the thing that you are doing; knowing that is not enough, that you have got to have hard work and a sense of purpose.'' Mayor Lord . . . she has that, Mr. Speaker.

RECOGNIZING AMANDA BLAKELY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to recognize the outstanding achievement of Amanda Blakely of Crandall, Texas, who was recently named the winner of the 37th Annual Robert F. Kennedy Journalism Award.

Amanda, who is a graduating senior from Crandall High School is the High School Print Winner for her work, ''Ms. Mary and the Big Blue House.'' Her work takes readers into the home of foster parents Mike and Mary Brooks through moving interviews with three teenagers who have been placed in their care by the Texas Children's Protective Services.

The Robert F. Kennedy Journalism Awards honor outstanding reporting of problems of the disadvantaged. RFK Journalism Award winners have covered such diverse issues as child abuse, juvenile crime, bank redlining and discrimination against people living with AIDS. Past winners of this prestigious award include Diane Sawyer of ABC, The Chicago Tribune, The Washington Post, National Public Radio, and CBS's ''60 Minutes.''

This is the second major national journalism award for Amanda. In November 2003, Bob Scheiffer presented Amanda with the Ryan White Foundation National Journalist Award at the Journalism Educators Association Convention in Washington, DC. Amanda has also received national honors from the Los Angeles Times in August of 2004.

Award-winning work and journalism must run in Amanda's genes. In 1988, her late grandmother, Jannette Cox, of Athens, Texas, was honored by both the Texas House and Senate as well as by United States Congressman Jim Chapman for her work with the Athens Creative Center. Amanda's grandfather, John H. Cox, now a journalist for the Cedar Creek Pilot, once was assigned to cover former Texas Governor, now President, George W. Bush for the Jacksonville Daily Progress.

As Congressman for the Fifth Congressional District of Texas, I would like to recognize Amanda and congratulate her grandparents, along with her parents Gerald and Lynda Blakely, for her outstanding accomplishment.

A PROCLAMATION HONORING LIZZY RATNER ON HER 30TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. NEY. Mr. Speaker:

Whereas, Lizzy Ratner is celebrating her 30th Birthday today; and

Whereas, Lizzy Ratner has been and continues to be a positive influence on all persons fortunate to meet her; and

Whereas, Lizzy Ratner has shown love for her family and friends and must be commended for her dedication to these relationships.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Lizzy Ratner as she celebrates her 30th Birthday.

HONORING THE CONTRIBUTIONS OF PAIGE COLLIER HEMPHILL ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Paige Collier, Hemphill Elementary School Teacher of the Year.

Paige Collier did not always know she would be a schoolteacher. She took a personality test at the age of seventeen that told her that her ideal career would be as a motivational speaker. She doubted this was right for her, but, at the assurance of her friends, she realized she did possess an ability to inspire others.

Paige has since used this ability to be an outstanding elementary school teacher. She cites several elements that contribute to her teaching ability: a passion to love and serve people, a devotion to putting children first, and the desire to continuously learn and grow.

Paige contributes to her school community in many ways. She organizes an annual Storybook Festival and mentors her fellow teachers, caring for their students as if they were her own. Yet her greatest accomplishment remains the connections she establishes within her own classroom.

I am honored to recognize Paige Collier as the Hemphill Elementary School Teacher of the Year. Her dedication to her students and her passion to serve her community are a shining example to all teachers.

A SPECIAL TRIBUTE TO J. RUSSELL KEITH IN RECOGNITION OF HIS SERVICE TO OHIO'S STATE EMPLOYMENT RELATIONS BOARD

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to a friend and ally of the public employers and employees of the State of Ohio. Since 1994, J. Russell Keith has served as General Counsel for the State Employment Relations Board. As he prepares to depart the Board after nearly eleven years of dedicated service, the many state employers and employees of Ohio's Fifth Congressional District offer our thanks.

As General Counsel, J. Russell Keith has provided legal direction to SERB as its members work to protect the rights of the public sector, which includes nearly 365,000 public employees under Ohio Revised Code 4117. For more than a decade, Russ has worked tirelessly to craft thoughtful and fair labor law for Ohio's public sector. As an accomplished attorney, Russ has been a determined advocate for the people of Ohio.

Mr. Speaker, the General Counsel to SERB has many responsibilities. One must provide legal support for the Board, draft and issue unfair labor practice complaints, oversee the Investigations Section, supervise the Hearings and Representation Sections, and assist Board members in the preparation of opinions and orders. Under his leadership, decisions were seldom appealed and rarely reversed. In addition to serving as General Counsel, on two occasions J. Russell Keith also lent his formidable management skills as Acting Executive Director of SERB. While his responsibilities have been substantial, Russ has performed superbly and served the people of the State of Ohio admirably.

Throughout Russ's accomplished career, he has enjoyed a broad range of legal experiences. After graduating from Capital University Law School, Russ served as an Attorney/Law Clerk for Ohio's Fourth District Court of Appeals. Later, Russ quickly became Chief Legal Counsel to the Ohio Bureau of Employment Services where he directed a legal program affecting nearly 230,000 Ohio employers.

The consummate professionalism with which J. Russell Keith has served the people of the State of Ohio by crafting evolving state labor decisions, primarily on issues of bargaining, deserves the highest commendation. His proficiency as General Counsel, leadership as Acting Executive Director, and compassion as a friend of all Ohioans will be sorely missed upon his departure from the State Employment Relations Board.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to J. Russell Keith in recognition of his superlative administrative service to Ohio's State Employment Relations Board. On behalf of the people of the Fifth District of Ohio, I am proud to recognize his many accomplishments. We wish Russ and his family all the best as we salute one of Ohio's finest citizens.

REMARKS ON WILLIAM CLAY FORD, SR'S RETIREMENT FROM FORD MOTOR COMPANY'S BOARD OF DIRECTORS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. MCCOTTER. Mr. Speaker, I rise today to honor William Clay Ford, Sr. for 57 years of dedicated service as a member of Ford Motor Company's Board of Directors. He has served on the Board with distinction for over half of Ford Motor Company's history of almost 102 years. As the only surviving grandson of the late Henry Ford and father of the current chairman, he uniquely links Ford's past and future.

Mr. Ford has had a long and distinguished career of service to Ford Motor Company. He was elected to the Board in 1948, a year before his graduation from Yale University. When the Design Committee of Ford's Policy and Strategy Committee was formed in 1957, Mr. Ford became its first chairman, a post he held until 1989.

In 1978, Mr. Ford was elected chairman of the Executive Committee and appointed a member of the Office of the Chief Executive. From 1980 until 1989, he served as vice chairman of the Board. From 1987 until 1995, he served as chairman of the Finance Committee, one of the most vital positions on the Board.

Mr. Ford served the Company as an employee from 1949 until 1989. He held a variety of executive positions including vice president and general manager of the Continental Division. In 1956, Mr. Ford assumed responsibility for corporate product planning and design. Throughout his career, he oversaw the design and development of a number of classic vehicles, including the Continental Mark II, a worthy successor to the Continentals designed by his father, Edsel Ford. The Mark II is considered by many to be one of the most beautiful personal luxury cars ever built.

Mr. Speaker, I ask my colleagues to join me in honoring Mr. William Clay Ford, Sr. as he retires from the Ford Motor Company Board of Directors and in wishing him the best of luck as he becomes Director Emeritus.

HONORING THE CONTRIBUTIONS OF SHERRY FRANCE, BARTON MIDDLE SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the accomplishments of Sherry France, Barton Middle School Teacher of the Year.

Sherry France was inspired to teach by her grandmother, who taught grades one through twelve in a one-room school house in rural Virginia. A high school art teacher sparked her interest in teaching art, and after attending Radford College, she began her career.

Some of Sherry's fondest memories come from former students who have since become architects, designers, and artists. Sherry has set up a website that is updated regularly with samples of her class projects. The site offers students a chance to have their work available for their families and friends to see.

Sherry France strives to teach her students how to see what is beyond the surface. She believes that if you expect the highest quality, your students will surprise you.

It is my privilege to acknowledge Sherry France, Barton Middle School Teacher of the Year. Her passion and love of teaching have been a blessing to her community.

HONORING THE LIFE OF HARRIS COUNTY PRECINCT 4 CONSTABLE DEPUTY FRANK ''SCOTT'' CLABORN

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor the life and memory of Harris County Precinct 4 Constable Deputy Frank ''Scott'' Claborn who was killed by a drunk driver while escorting a road construction truck in Harris County, Texas on February 19, 2004. Claborn and his family reside in Magnolia, Texas in the Eighth Congressional District.

Deputy Claborn and 13 other Texas Law Enforcement Officers will be honored at the National Law Enforcement Officers Memorial in Washington, DC, on May 15, 2005.

Deputy Claborn's wife of 16 years, Paula Claborn and her 11-year-old son Tanner will remember a husband and father whose devotion and love of family was unsurpassed.

Paula's father, David Hill, the highly respected and loved constable for Montgomery County Precinct 5, told a reporter in the days following the accident that, ''He (Scott) was one of the best fathers I have ever seen. I could not have handpicked a better son-in-law.''

Praise for Claborn also came from his fellow officers and colleagues, some of whom he had worked with for 14 years. One remarked that he was very kind, never complained, and always had a smile on his face.

Like many law enforcement officers Claborn worked extra jobs to supplement his regular income. His son, Tanner has juvenile diabetes. The extra work, like escorting the construction vehicle the night he was killed, helped augment the cost of the $6,000 insulin pump Tanner needed. Tanner, bright and popular young man, was released from the hospital just 3 days before his father lost his life. The drunk driver had a blood alcohol level three times over the legal limit.

Deputy Claborn's sacrifice touched many lives in the Houston region. The 100 Club of Houston pledged $10,000 as a college scholarship for Tanner. The Harris County Precinct 4 Constable's Victims Assistance Unit set up a memorial fund to help pay for medical bills and other expenses. The Magnolia Community has rallied to the family's side.

The Claborn family and hundreds of others will gather in our Nation's Capital to honor the lives and memories of the men and women who devoted their careers and laid down their lives to make our communities safer.

It is so fitting that a memorial to these officers, like Scott Claborn, who patrolled neighborhoods and safeguarded communities from across the country be located in Washington. It is because of their faithful duty that American citizens enjoy the liberties and freedoms others are left only to dream about.

Mr. Speaker, I know this family. They are wonderful people who love their family, their God and their Country. I ask you to join me in saluting the thousands of law enforcement officers on patrol every day on our streets and consider the sacrifice they and their families routinely render.

EXPRESSING CONDOLENCES TO THE FAMILY OF LATE CONGRESSMAN PETER W. RODINO, JR.

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Ms. PELOSI. Mr. Speaker, I rise to express our heartfelt condolences to the family of the late Congressman Peter W. Rodino Jr. of New Jersey and my sorrow on his passing.

A man of integrity and humility, Congressman Peter Rodino was a great American who served our nation with great dignity and honor. He was truly a historic figure and consequential leader who changed the course of our history for the better.

By conducting the Watergate impeachment hearings with fairness, Peter Rodino ensured that the rule of law prevailed during one of the gravest Constitutional crises in our history.

As the Washington Post noted, he spoke before this House when the Watergate impeachment hearings began and said: ''Whatever the result, whatever we learn or conclude, let us now proceed with such care and decency and thoroughness and honor that the vast majority of the American people, and their children after them, will say: 'That was the right course. There was no other way.' ''

He did all that and more. His contribution was inestimable.

Americans will be forever grateful for his courage and for his defense of the Constitution.

Though most renowned for the service he rendered during the Watergate impeachment hearings, Peter Rodino also left a lasting imprint as a distinguished Chairman of the House Judiciary Committee and author of significant legislation, ranging from civil rights to immigration reform to protecting consumers.

He was a main sponsor of the Civil Rights Act of 1966 and authored the extension to the Voting Rights Act in 1982. He reformed immigration quotas and promoted fair housing laws. And he was one of the authors of the Hart-Scott-Rodino Act that protects consumers by preventing anticompetitive mergers.

He was a legislative and legal giant whose work continues to have a profound impact on the lives of Americans.

Peter Rodino's 4 decades of service in Congress can be exemplified by the words of the Constitution that he did so much to protect and defend: ''to form a more perfect Union, establish Justice . . . and secure the blessings of liberty to ourselves and our posterity.''

Peter Rodino's passing is a personal loss to me. I was honored to have served with him, and he was always very kind to me.

He was a great source of pride and inspiration to all of us in the Italian-American community.

I hope his wife Joy and his children take comfort in the prayers and thoughts of the many whom he inspired and served. We will miss him greatly.

HONORING THE CONTRIBUTIONS OF LISA DeLAND, TOBIAS INTERNATIONAL ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Lisa DeLand, Tobias International Elementary School Teacher of the Year.

Lisa DeLand became a teacher nine years ago, after obtaining a Bachelor of Science and Associates Degree in foreign language at the University of Texas at Austin. To this day, she says she still considers it ''going to school'' instead of ''going to work.''

Throughout her tenure, Lisa has worked on several district and campus committees, served as liaison between campus and superintendent's office, been a member of the campus leadership team, and acted as PTA representative.

Lisa works with a wide variety of students: some average learners, some gifted students, and some with special needs. This has compelled her to find a common thread with which to tie together the learning process in her classroom. Her own curiosity and love of learning have enabled her to bring a level of fun to the classroom that allows all of her students to participate in the learning process.

I am honored to recognize Lisa DeLand as the Tobias International Elementary School Teacher of the year. Her love of learning and dedication to her students are a true asset to both the school and the community.

IN SUPPORT OF THE FAIR CURRENCY PRACTICES ACT OF 2005

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. MANZULLO. Mr. Speaker, a country that manipulates its currency for the purposes of gaining an advantage in foreign markets violates many of the basic rules of the international monetary system established after World War II. However, despite repeated evidence that numerous countries are not letting market forces determine the value of their currency, our nation's laws set an extremely high threshold for us to take any effective action against other nations that intervene heavily in currency markets. The main purpose of the Fair Currency Practices Act of 2005 is to give our government agencies the tools they need to effectively combat illegal foreign government intervention in the global currency markets, particularly those efforts that are specifically designed to boost their local economy at the expense of the workers of the United States.

The Fair Currency Practices Act of 2005 has three key provisions. The first would alter the criteria by which the Treasury Department is required to enter into negotiations with foreign countries that it labels as currency manipulators. The second would further clarify the working definition of manipulation under the Exchange Rates and International Economic Policy Coordination Act of 1998. Finally, the Fair Currency Practices Act of 2005 would instruct the U.S. Treasury Department to undertake an extensive examination of China's trade surplus, with particular attention paid to China's suspect trade data, and report on its findings.

Current law requires that Treasury regularly make a determination of whether countries are manipulating the rate of exchange between their currency and the U.S. dollar for purposes of preventing effective balance of payments adjustments or gaining an unfair competitive advantage in international trade. If The Secretary of Treasury considers that such manipulation is occurring with respect to countries that (1) have material global current account surpluses and (2) have significant bilateral trade surpluses with the United States, the Secretary is required to take action to initiate negotiations with such foreign countries on an expedited basis. The Fair Currency Practices Act of 2005 amends the 1988 Omnibus Trade

Act by eliminating the necessity that a country has both a significant bilateral trade surplus with the United States and a material global current account surplus, before the Secretary of the Treasury is required to enter into negotiations with the offending country to end its unfair practices. The change requires such negotiations if there is either a significant bilateral trade surplus with the United States or a material global current account surplus.

Under current law, even if manipulation is found, Treasury is not required to act unless the offending country has both a significant bilateral trade surplus with the U.S. and a material global current account surplus. Treasury repeatedly fails to make a determination that certain countries, most notably China, are manipulating their currency. The 1988 Trade Act unfortunately does not specifically define ''manipulating.'' The Fair Currency Practices Act of 2005 clarifies that a country engaged in ''protracted large-scale intervention in one direction in the exchange market'' is manipulating its currency. However, the Fair Currency Practices Act of 2005 does not preclude the Secretary of Treasury from finding a country to be manipulating its rate of exchange based on any other factor or combination of factors.

Finally, the bill addresses a problem with the way Treasury determines China's global current account and trade balances. Currently, the U.S. Treasury Department and the International Monetary Fund (IMF) use official Chinese statistics, which differ markedly from the aggregate statistics of its trading partners. This results in an inaccurate depiction of China's true surplus, which is presumably much larger than reported by China. The Fair Currency Practices Act of 2005 requires that Treasury undertake an examination of China's trade surplus and report to the Congress on why China's reported trade surpluses differ from those reported by its trading partner countries.

Mr. Speaker, all nations, most particularly China, must let the free markets determine the value of their currency, not use government resources to artificially depress the value of a nation's currency to boost their economic growth. This scheme costs U.S. manufacturers billions of dollars in lost exports and decreased market share in the U.S. each year while putting American workers on the unemployment lines. We all know the specific problems in dealing with China—in 2004, the U.S. trade deficit with China reached a record level of $162 billion, the highest with any country in U.S. history. Yet, while China's economy has certainly grown and strengthened in recent years, China's currency has been tightly pegged to the U.S. dollar ever since 1994. Most economists believe that China's currency is overvalued at between 15 to 40 percent, making U.S. goods much more expensive in China and Chinese goods in the U.S. much more attractive to buy (at the expense of similarly-made U.S. products), contributing to as much as 25 percent of our bilateral trade deficit. China is long due for a correction in its currency value to reflect its global economic prowess. Americans stand ready to compete with anyone in the world. But the competition must be fair. The Fair Currency Practices Act of 2005 will give our government the tools necessary to hold all nations of the world accountable for currency manipulation (not just China) and level the playing field for our workers.

CONGRATULATING IRVIN LEVIN ON HIS RETIREMENT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, today I rise with my Rhode Island colleague, Congressman JIM LANGEVIN, in recognition and tribute to a distinguished Rhode Islander, Irvin Levin. Many of Irv's colleagues in the real estate and insurance business will miss him as he retires, and Rhode Islanders all over the state have been touched by his leadership in the business community, in government, and in his community.

Irvin Levin was born on July 21, 1915 in Providence, Rhode Island and is truly a member of our nation's Greatest Generation. He lived through the Great Depression, served his country honorably with the Army during World War II, and came back to help build America to the great country and society it is today.

Receiving his real estate license in 1959, Mr. Levin's practice was widely respected by his colleagues and valued by his clients, as his numerous honors and awards can attest. He was twice recognized as Realtor of the Year by the Greater Providence Board of Realtors, and he was honored as the Rhode Island Realtor of the Year in 1993. His colleagues elevated him to the President of the Rhode Island Association of Realtors in 1990.

Yet even while managing a successful real estate practice, Irv still found time to represent his community and fight for a better Rhode Island. Irv represented Cranston and the citizens of the 27th District of Rhode Island for 20 years. While in the General Assembly, Irv was Vice Chairman of the House Corporations Committee. Drawing upon his own record of military service and insights as a veteran, Irv chaired the Joint Committee on Veterans Affairs. In 1991, Irv retired from the Assembly as its Dean, the longest serving Member, but he continued his work in public service.

Irv later served as President of the Greater Cranston Chamber of Commerce. Irv continued to fight for his fellow veterans: serving on the Rhode Island Advisory Board of Veterans Affairs, leading the advocacy efforts of the Jewish War Veterans, and later serving as President of the United Veterans Council of Rhode Island.

I'm deeply honored to have served with Irv Levin during his years in the Rhode Island General Assembly and to honor him today on the floor of House of Representatives as he retires. His combination of community involvement, civic leadership, and business acumen sets of model for others to follow in the future and Rhode Island is deeply grateful for his years of service.

HONORING THE CONTRIBUTIONS OF ELM GROVE ELEMENTARY SCHOOL TEACHER OF THE YEAR CATHERINE S. ROGERS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the accomplishments of Catherine S. Rogers, Elm Elementary School Teacher of the Year.

Catherine Rogers first realized she wanted to be a teacher when she was a student in the second grade. She stapled her finger while hanging papers on the bulletin board, trying to be just like her teacher. Catherine was a teacher's assistant while in high school, volunteered in low-income schools while in college, and later served as a Teaching Fellow while getting her Masters in Education at Texas State University.

Catherine credits her mother with teaching her the importance of putting her heart and soul into the school and the students. She feels that teaching is more than lectures and homework; teaching requires a willingness to become an important part of the life of each student.

Catherine says that teaching is her ''heart and soul,'' and she loves learning new things from her colleagues, parents, and students every day.

I am honored to recognize Catherine S. Rogers as the Elm Grove Elementary School Teacher of the Year. Her enthusiasm and joy for teaching are invaluable to both her school and her community.

RECOGNIZING THE BUFFALO DRUG TREATMENT COURT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. HIGGINS. Mr. Speaker, in December 1995, the Buffalo Drug Treatment Court was established. The Buffalo Drug Treatment Court is recognized as a national mentor court and training site, providing the focus and leadership for community-wide, anti-drug systems, bringing together criminal justice, treatment, education and other community partners in the fight against drug abuse and criminality. The Honorable Thomas P. Amodeo, Buffalo City Court Chief Judge, and the Honorable Robert T. Russell, Jr., Presiding Judge of the Buffalo Drug Treatment Court are dedicated to the principle of restorative justice. They, along with their community partners in treatment and rehabilitation services, recognize the value of fair justice for the non-violent substance abuse offenders. The Buffalo Drug Treatment Court combines intensive judicial supervision, mandatory substance abuse treatment, on-site drug testing and escalating incentives and sanctions to break the cycle of drug addiction and its concomitant crime and societal harm. The Buffalo Drug Court Alumni Association is composed of graduates of the Buffalo Drug Court Program who provide ongoing exchange, support, assistance and volunteer service for those who have successfully completed the Drug Treatment Court. In recognition of all Buffalo Drug Court Graduates, the Buffalo Drug Court Alumni Association and the Buffalo Drug Treatment Court are coming together to sponsor a luncheon honoring the Treatment Counselors and Community on May 12, 2005. This celebration of Buffalo Drug Court is symbolic of the care, compassion and spirit of Buffalo, and the hope we have for our community and our citizens.

CONFERENCE REPORT ON H.R. 1268, EMERGENCY SUPPLEMENTAL APPRPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF ACT, 2005

SPEECH OF

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Ms. SOLIS. Mr. Speaker, today I voted in support of the Fiscal Year 2005 Iraq and Tsunami Relief Supplemental Conference Report. This decision was very difficult for me. I voted for this legislation because it includes vital equipment and services that our troops desperately need. The bill also provides funding for needed vehicle armor and personal protection for our courageous troops and increases financial support to families of fallen heroes. While I strongly oppose the war in Iraq, I believe it is our government's duty to protect our troops which this Congress sent into the line of fire, as well as their families.

While I voted for this measure, I strongly oppose the REAL ID provisions in it. REAL ID gives blanket authority to the United States Department of Homeland Security to build any roads or barriers at any time and at any border without having to answer to State or Federal authorities and laws. Its driver's license provisions overturn States' rights and impose a massive unfunded mandate on States, while doing nothing to address our outdated immigration system.

I am very disappointed that the REAL ID provision was included in a bill to fund support for our military forces and their families and relief for tsunami victims. While I acknowledge that our immigration system is broken, this legislation is not the right vehicle to do it and REAL ID is not the right approach to fix it. I support comprehensive immigration reform, not attempts by the Republican majority in Congress and President Bush to give the American people a false sense of security at the cost of our civil liberties and values. That is why I urged conferees on the Supplemental bill to remove these harmful provisions from the conference report. Reform of our complex and outdated immigration system deserves a separate and extensive dialogue, and I will continue to fight for immigration policy which both protects our homeland and respects the millions of hard-working immigrants in this Nation.

While I remain deeply opposed to the REAL ID and its inclusion in this conference report, I do not believe withholding funds from our dedicated military and tsunami victims is right. There should be no question that I remain very concerned about the Bush Administration's lack of a clear exit strategy in Iraq. However, I am committed to our troops, and I will continue to fight for a clear plan so they can be reunited with their families and democracy can thrive in an Iraq run by Iraqis.

HONORING THE CONTRIBUTIONS OF ABIGAIL HERNANDEZ LEHMAN HIGH SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Abigail Hernandez, Lehman High School Teacher of the Year.

Abigail Hernandez is a graduate of Southwest Texas State University, where she received a BS in mathematics with a teaching certification. She is currently working on a Masters in mathematics education, but she has no interest in leaving the field of teaching.

Her parents were part of the first generation of high school graduates from Goliad, Texas, the town where she was raised. Although they never had the opportunity to attend college, they instilled the importance of a good education in Abigail. She began her career as a tutor of algebra, offering her peers assistance free of charge.

Now a high school algebra and geometry teacher, Abigail Hernandez continues her tireless efforts to educate those around her by encouraging her students to speak out and take risks. She is currently being honored as the Lehman High School Teacher of the Year.

I am honored to recognize the accomplishments of such an industrious and hardworking teacher. Her passion for teaching enriches the lives of her whole community.

HAIL TO CLAIRE E. SANTORO, PRESIDENTIAL SCHOLAR

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. CLAY. Mr. Speaker, I rise today to honor an outstanding young American, Claire E. Santoro, of University City, Missouri, who was recently designated as a Presidential Scholar. This honor distinguishes Ms. Santoro as one of our Nation's most accomplished high school seniors.

Presidential scholars are selected for their accomplishments in academics and the arts, as well as for their leadership skills, community service and civic contributions. Seventeen-year-old Ms. Santoro is among 141 presidential scholars who will be honored next month in a ceremony in Washington, DC.

Among her many accomplishments, Ms. Santoro has played varsity field hockey and soccer for four years. She is a member of the National Honor Society, the mock trial team and is in charge of the dance chorus for her school's spring musical.

This spring Claire will graduate from University City High School, in St. Louis County. Next fall she will attend Brown University in Providence, Rhode Island, where she intends to study educational policy and environmental issues. I have also been informed that her academic success has been inspired by a most important teacher, Ms. Roberta L. Steward.

Mr. Speaker, I am very proud to commend Ms. Santoro on her many fine achievements. By all accounts, she is a major source of pride to herself, her family, her school and the residents of the 1st Congressional District. I wish her every continued success in the future.

TRIBUTE TO MR. GEORGE POOLE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. MILLER of Florida. Mr. Speaker, I was saddened to learn recently of the passing of Mr. George Poole, a distinguished senior manager with the Department of Veterans Affairs' Insurance Service. VA's Insurance Service has long been recognized as one of the finest-managed organizations within the federal government, due in no small measure to Mr. Poole and his commitment to our servicemembers, veterans, and their survivors.

Few Americans can match George's years of devoted service to country. He began his public career by serving in the United States Air Force from 1964 through 1968. Following his honorable discharge, he received bachelor and law degrees, taking full advantage of the VA-administered GI Bill. Who can doubt that his military service and studies made possible by the GI Bill inspired him to pursue a career dedicated to helping fellow veterans. This dedication translated into a distinguished 28–year career with the VA's Insurance Service, where he served from 1977 until his death April 27th.

While it is difficult to highlight just one of his many accomplishments, surely his creation and development of the Insurance Service's ''Special Outreach'' effort warrants particular mention. This outreach involves matching insurance participation and disability reports from various sources to identify recently separated, seriously injured veterans who have not taken advantage of VA's life insurance programs. Based on the efforts of George and his staff, over $96 million in insurance proceeds have been provided to veterans' survivors. Few among us have had such a dramatic and positive impact on the lives of so many others.

Mr. Poole was always available to provide invaluable research, data, and program explanations to the members and staff of the House Committee on Veterans' Affairs—often on short notice. As such, his expertise and professional manner were essential to the Committee when crafting bipartisan legislation.

Mr. Speaker, as Chairman of the Subcommittee on Disability Assistance and Memorial Affairs, the subcommittee with jurisdiction over VA's insurance programs, I extend my sincere condolences to Mr. Poole's wife, Denise; his two sons, Todd and Corey; his granddaughter, Madeline; and his equally dedicated coworkers at the VA Regional Office and Insurance Center in Philadelphia.

HONORING THE CONTRIBUTIONS OF CHRIS SMITH, HAYS CONSOLIDATED HIGH SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the exhaustive contributions of Chris Smith, Hays Consolidated High School Teacher of the Year.

Chris began his career as a youth minister, and soon teaching became a passion. As a Math teacher, he surprised his coworkers by successfully pairing Special Education students with honors students to work on joint projects in the computer lab. Many of his students improved as much as 15 points on the Math TAKS over the last 2 years.

Yet for Chris Smith, the true judgment of his accomplishments is self-imposed. He strives to be a classroom entertainer, a friend, a father figure, and sometimes a teacher as well. His greatest asset is to positively change the course of another person's life.

Chris demonstrates to his students that they are each special and important. He endeavors to mold his students into adults that enjoy life, love to laugh, and will create a positive impact on one another.

It is my privilege to acknowledge Chris Smith, the Hays Consolidated School Teacher of the Year. Chris's passion and love of teaching sets a shining example for all in his community.

RECOGNIZING THE JIMMY STEWART MUSEUM OF INDIANA, PA

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to recognize with great pride the Jimmy Stewart Museum of Indiana, Pennsylvania, in honor of the 10th anniversary of its opening. Honoring the life of a motion picture icon and American patriot, the Jimmy Stewart Museum preserves all aspects of Indiana, Pennsylvania's favorite son.

While most Americans remember Jimmy Stewart as idealistic Jefferson Smith in Mr. Smith Goes to Washington, watching him go toe-to-toe with Katherine Hepburn in The Philadelphia Story, and welcoming George Bailey into their homes every year at Christmas to find out why exactly It's A Wonderful Life, the people of Indiana proudly remember him as a good neighbor and citizen dedicated to his beloved hometown where his family resided for generations.

It is for this reason they came together to develop the Jimmy Stewart Museum which became a community effort in every sense of the words. While modesty initially shied Jimmy Stewart himself away from the idea of such a project, he came to understand the economic benefits the museum could produce for the area. With the creation of the Jimmy Stewart Foundation in 1994 the project catapulted into action with local volunteers, financial backers, and even a local architect who designed the facility pro-bono. Not only would the museum improve the economy of the community, it would improve the morale and incorporate a spirit of generosity to everyone who became involved with the museum and its efforts.

The Jimmy Stewart Museum, located directly across from the site of his father's hardware store, opened to the public on May 20, 1995, Stewart's 87th birthday. Since then it has welcomed tens of thousands of visitors from all over the world to view an extensive collection of personal, local, and film industry memorabilia. Included in the collection is the Oscar awarded to Stewart for his Best Actor performance in The Philadelphia Story, as well as particular emphasis on his service to his country during WWII where he served as a bomber pilot in the European Theater and retired with the rank of brigadier general.

While the contributions of Jimmy Stewart to both community and the arts are undeniably deserved, the recognition for those who had the foresight and determination to preserve the memory of such an extraordinary life must not go unnoticed. Notable supporters Nick and Nina Clooney and comedian Rich Little generously donate their time to assist in the efforts of keeping the museum at its best. The museum is a true testament to the character of Indiana and I am proud of the devotion the town has shown towards their favorite son and subsequently to each other in the creation of this museum.

Mr. Speaker, I congratulate the Jimmy Stewart Museum on its 10th Anniversary and offer my genuine best wishes for many prosperous years to come.

IN HONOR OF SANFORD WALKE, PURPLE HEART RECIPIENT

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Mr. Sanford Walke of Hernando Beach, FL. A chief engineer in the Army during World War II, Mr. Walke received the Purple Heart for his heroic actions in battle.

Mr. Walke was in the Army from November 1942 through November 1945, serving during World War II in the European Theatre. Assigned to the 398th Bomb Group—8th Air Force, Mr. Walke was a chief engineer on a B17.

On a flight to Germany on July 8, 1944, Mr. Walke's plane was shot down over France. The last one to jump out of the plane, Mr. Walke's parachute had a missing panel that made him fall to the ground faster than would normally occur. Ironically, the parachute malfunction saved his life because the enemy on the ground was shooting at him the entire time, but was unable to accurately target his fall.

Mr. Walke was taken as a prisoner of war and held in a German prison camp. Months later, he and 2,000 other POW's walked for 75 days and 500 miles on a forced march before he was able to escape with another British soldier. They were hiding in a barn in a German village when British tanks rolled in and took over the town. The British took care of him from there until he was able to reunite with Americans.

Mr. Speaker, true American heroes like Sanford Walke should be honored for their service to our Nation and for their commitment and sacrifices in battle. I am honored to present Mr. Walke with his long-overdue Purple Heart. He is truly one of America's greatest generation.

HONORING THE CONTRIBUTIONS OF JANET CAROL PATTERSON, WALLACE MIDDLE SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the contributions of Janet Carol Patterson, Wallace Middle School Teacher of the Year.

From a young age, Janet expressed the desire to work with young people, helping out with youth groups at her church. Her interest stemmed from a desire to have a positive influence on the lives of the children in her community.

Janet sees her greatest accomplishments through the successes of her students. She is proud to offer inspiration each year, encouraging her students to believe in themselves and always do their best.

Janet Carol Patterson has taught Language Arts in the Hays CISD school district for 24 years. Among her numerous contributions and accomplishments, she values the relationships she has developed with her students the most. She has been described as "a teacher who leaves an imprint on her students' hearts," and a "second mom." Janet greets her students at the door with a handshake, and endeavors to open their hearts, as well as their minds.

I am honored to acknowledge Janet Carol Patterson, Wallace Middle School Teacher of the year. Her hard work and dedication enrich the lives of everyone in her community.

THE PENSION FAIRNESS AND FULL DISCLOSURE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to introduce "The Pension Fairness and Full Disclosure Act," legislation to end the gross discrepancies between the way the retirement packages of a company's rank and file employees and top-executives are treated.

Executive compensation packages often provide lavish golden parachutes that are hidden from employees, shareholders, and regulators. Employees are told the company has little choice but to cut their pay and benefits, while being kept in the dark about the fortunes that companies shower on executives who have presided over the company's failure.

In fact, extensive executive packages are often increased at the very same time their employees' pensions are cut. As employees are asked to give back benefits they have

earned, executives are often padding their own retirement packages. The executives who make the critical decisions to save or scrap employee pension plan rarely share the pain of their decisions—but are perversely rewarded for cutting company liabilities to their workers.

My legislation brings greater equity to the private pension system by requiring full disclosure of executive compensation packages to employees, and by linking the benefits in executive compensation plans to those of the rank-and-file for whom these executives bear responsibility.

A 2003 Executive Excess report by United for a Fair Economy found that the median pay for executives at the 30 companies with the most underfunded pension plans in 2002 was $5.9 million, or 59 percent higher than the median pay for executives at the typical large company. These 30 companies had a combined $131 billion pension deficit in 2002, but paid their executives a combined $352 million.

While the underfunding threatened employee pensions, 19 of these executives saw their pay rise, and 10 saw their pay more than double in 2002. The executive pensions themselves are exorbitant. A review of 2004 proxy statements from 500 large companies by Corporate Library for the New York Times revealed that 113 chief executives could expect retirement benefits of more than $1 million per year. At least 31 would see $2 million or more per year. A list of some of the more recent and well-publicized outrages on how executive plans and rank-and-file plans are treated is attached to this letter.

"The Pension Fairness and Full Disclosure Act" makes overdue changes in pension law to end these grotesque disparities in the way the retirement security of employees and executives are treated.

Corporations that file for Chapter 11 bankruptcy and shift unfunded pension liabilities to the Pension Benefit Guaranty Corporation (PBGC), or convert their traditional pension plans to cash balance plans in a way that does not protect older workers, would not be permitted to increase executive deferred compensation for directors and officers for a 5-year period without incurring a 100 percent excise tax.

Corporations with underfunded rank-and-file pension plans would be prohibited from providing any funding for executive pension plans unless and until their rank-and-file plans are at least 75% funded.

Corporations would have to disclose the full value of their executive compensation plans when they move to terminate the plans in bankruptcy or make amendments to the plan to freeze benefits or reduce future accruals.

For far too long, some companies have irresponsibly rewarded their executives while unfairly cutting or eliminating their employees' pensions. I invite my colleagues to join me in supporting and passing "The Pension Fairness and Full Disclosure Act."

RECOGNIZING THE CAREER AND RETIREMENT OF MRS. JOSEPHINE POSHARD, TEACHER, AT CARTERVILLE, COMMUNITY UNIT SCHOOL DISTRICT NO. 5 IN CARTERVILLE, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the career and retirement of Mrs. Josephine (Jo) Poshard, third grade teacher at the Carterville Community Unit School District No. 5, in Carterville, Illinois.

Mrs. Poshard has devoted 32 years to educating the youth of Southern Illinois, serving as a teacher, cheerleading sponsor, choral director and yearbook sponsor. She has been the third grade teacher at the Carterville Community Unit School District No. 5 for the past 20 years. During that time, in addition to her devoted education of the students in her classroom, Mrs. Poshard has served on numerous committees and in many capacities. One of her most significant extra-curricular contributions has been as Team Leader of the Math School Improvement Plan. Through her leadership, the school has consistently excelled on the Illinois Standard Achievement Test.

Mrs. Poshard graduated from Southern Illinois University at Carbondale with University Honors. While at Southern Illinois University, she was asked to join Alpha Lambda Delta, a national society that honors academic achievement.

Mrs. Poshard began her teaching career at Thompsonville High School in Thompsonville, Illinois. She taught four sections of English as well as Journalism, Girls' Physical Education and she was the Cheerleading sponsor.

After 3 years at St. Elmo Junior High School and a year as a substitute teacher in several community schools, Mrs. Poshard accepted a position as first grade teacher at the New Simpson Hill School District at Tunnel Hill. While at New Simpson Hill, Mrs. Poshard earned certification for Gifted and Talented students and implemented the Gifted program at her school. With this new program, she was teaching gifted students in grades four through eight while also teaching first grade.

In 1984, Mrs. Poshard brought her years of experience and dedication to Carterville Community Unit School District No. 5, in Carterville, Illinois, as a third grade teacher. She has served that community by guiding, molding and enriching the lives of the boys and girls entrusted to her care from 1984 until her retirement this year.

Mrs. Poshard has demonstrated her dedication to her chosen profession of teaching in numerous ways. She has consistently devoted an average of 50 to 60 hours a week to her job, refusing to be absent unless she was extremely ill. She applies the same expectation of excellence to herself that she does to her students. The real measure of Mrs. Poshard's success lies in the accomplishments of her students. Even though she is retiring at the end of this school year, Mrs. Poshard's influence will live on in the lives of the over 1,000 students she has taught over 32 years.

Mrs. Poshard is married to one of our former colleagues, the Honorable Glenn Poshard, and lives in Murphysboro, Illinois.

Mr. Speaker, I ask my colleagues to join me in an expression of appreciation to Mrs. Josephine Poshard for her years of dedicated service to education and to wish her the very best in the future.

SUPPORT TAIWAN'S INCLUSION INTO THE WORLD HEALTH ORGANIZATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. BURTON of Indiana. Mr. Speaker, I rise today in strong support of Taiwan's application for observer status as a "Health Entity" for next week's annual World Health Organization (WHO) Assembly in Geneva, Switzerland, and to respectfully encourage other international organizations to more actively engage Taiwan in their activities.

Even though Taiwan was a founding member of WHO, every May, for the past eight years, when the World Health Assembly meets to consider the acceptance of new members to the WHO, it systematically denies Taiwan access to the global health organization. Even with last year's support from the United States and Japan, Taiwan—among the leaders in Asia in important health indicators, such as life expectancy and infant mortality—was once again rejected.

Regardless of the fact that the World Health Assembly has routinely allowed observers to participate in the activities of the Organization, including the Sovereign Military Order of Malta, the Holy See, and even the Palestine Liberation Organization; regardless of the fact that Taiwan's population of almost 23,000,000 people is greater than that of ¾ of the member states already in the World Health Organization; regardless of the fact that Taiwan has repeatedly expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO; and, regardless of the fact that direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially today with the great potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria, our European Union colleagues continue to shortsightedly side with China and exclude Taiwan.

Unfortunately, this political and diplomatic dance has had a real world cost in terms of Taiwanese lives lost during outbreaks of life threatening diseases, including Severe Acute Respiratory Syndrome (SARS) and the enterovirus epidemic in 1998. The SARS and avian influenza outbreaks should remind all of us that disease knows no boundaries and reinforce the importance of allowing all people access to the World Health Organization. As the pace of globalization quickens, the spread of infectious disease will only accelerate.

Not only will the Taiwanese benefit from membership in the WHO through engagement with the international community in the common pursuit of raising the quality of public health and providing for the welfare of its citizens, but so will their neighbors throughout

the Asia Pacific region, indeed the world, through interoperability, pooled resources, and the sharing of technical expertise. I firmly believe that Taiwan's inclusion in the WHO will help ensure global health safety and our own national security by allowing all WHO countries to more comprehensively and quickly coordinate global efforts to combat deadly outbreaks of diseases and any future epidemics.

Mr. Speaker, the people of Taiwan deserve the same level of public health as the citizens of every nation on earth, and I stand in support of their continued desire and commitment to be included in the WHO. I urge all of my colleagues to join me in encouraging the United States delegation in Geneva to stand in strong support of Taiwan's application for inclusion into the World Health Organization.

HONORING THE CONTRIBUTIONS OF KRISTI JACKSON, FUENTES ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Kristi Jackson, Fuentes Elementary School Teacher of the Year.

Kristi Jackson was inspired to become a teacher by her mother, a devoted teacher herself, who taught Kristi to do the job wholeheartedly and with a great deal of compassion and a sense of humor. Kristi now teaches at the same school as her mother, joining her in their shared goal of watching their students become successful in the classroom and beyond.

Kristi Jackson is taking her mother's work a step further, answering her call to develop teacher leadership through empowerment and encouragement learned from her principal. Kristi also feels that it is her most important contribution to instill a love of reading in her students, the same love of reading she has had herself ever since her mother read her bedtime stories as a child.

Kristi hopes one day that the walls of her classroom expand beyond her students, to include all the teachers and students of her school.

I am honored to recognize Kristi Jackson as the Fuentes Elementary School Teacher of the Year. Her love for her students and fellow teachers is a credit to her school and her community.

SEX DIFFERENCES IN HEALTH AWARENESS DAY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Ms. SLAUGHTER. Mr. Speaker, as part of National Women's Health Week, the Society for Women's Health Research is recognizing today as "Sex Differences in Health Awareness Day." The intent of this day is to draw attention to the biological health differences between women and men. I am proud to reflect on this issue, and I strongly believe the importance of this day cannot be overstated.

It is true, scientists have long known about the anatomical differences between men and women. However, only within the past decade has the scientific community begun to investigate and uncover significant biological and physiological differences between men and women. From genes to behavior, women and men are now gaining greater knowledge of their unique differences. As a result, they are able to better achieve optimal healthcare.

The Society for Women's Health Research has led efforts to shed light on the distinctions in women's health. Through the Society's tireless persistence on behalf of women's health, they have engaged and supported the scientific community to investigate these dissimilarities. Over the last fifteen years, the Society has worked to ensure that women are included in clinical trials and that the analysis of research include sex differences at all levels. I commend the Society for Women's Health Research for its tireless efforts to increase understanding of sex differences and to improve the health of women.

One health issue that affects women very differently than men is cancer. In fact, every 6.4 minutes, a woman in the U.S. is diagnosed with a form of gynecologic cancer. This year, 28,000 American women are expected to die from gynecologic cancers. For example, ovarian cancer is a gynecologic cancer, and it is the fourth leading cause of cancer deaths among women in the United States. It kills more women than all other gynecologic cancers combined. The incidence of ovarian cancer has actually increased over several years. Up from 1 in 70 women in past years, ovarian cancer now occurs in 1 in 57 women. In comparison, prostate cancer mortality rates peaked in 1991 and have since decreased by about 33 percent, while deaths from ovarian cancer have risen. According to the American Cancer Society, ovarian cancer deaths rose by almost 20 percent in just one year from 2003 to 2004. While 25,500 women will be diagnosed with ovarian cancer this year, more than 16,000 women will die from the disease, including over 1,000 women in New York State.

Although there is only a 25 percent five-year survival rate when ovarian cancer is diagnosed in the later stages, if the cancer is caught before it has spread outside the ovaries, there is a greater than 90 percent survival rate of five years. However, the sad reality is that only 24 percent of ovarian cancer is caught early. Even more frustrating, early detection and treatment of ovarian cancer is oftentimes hindered due to lack of understanding by both women and their healthcare providers. Most women and healthcare professionals think ovarian cancer is asymptomatic, but new studies indicate that ovarian cancer does have symptoms, even in the early stage of the disease. Reliable screening tests do not exist for the early detection of ovarian cancer and a Pap smear only checks for cervical cancer. However, a bimanual pelvic exam, a Ca125 blood test, or a transvaginal ultrasound can help rule out ovarian cancer, but only if women and their doctors are aware of these options. With women's lives at stake, we clearly need to do a better job of educating women and, especially, their physicians, so that early detection of ovarian cancer becomes the norm.

In my district, the Buffalo-based Roswell Park Cancer Institute, RPCI, and the University of Rochester Medical Center, URMC, are supporting many research efforts on ovarian cancer. As a member of the Gynecologic Oncology Group, RPCI participates in most national trials to improve the prevention, detection and treatment of gynecologic cancers. They also collaborate in the Ovarian Cancer Early Detection Program sponsored by the National Cancer Institute. RPCI is evaluating the anti-angiogenesis factor IM862 in the treatment of recurrent ovarian carcinoma. Through the Gilda Radner Familial Ovarian Cancer Registry, RCPI collects data on familial ovarian cancer. RPCI continues to research glycoproteins and tumor markers in ovarian cancer. Researchers at the URMC are investigating tumor suppression gene identification for ovarian cancer and are conducting several phase III trials to identify treatments for women with ovarian cancer.

Despite the critical work of RPCI and URMC, ovarian cancer research and education continues to be significantly under-funded compared to other cancers. In the last 10 years, funding for prostate cancer, has increased 20 fold, while funding for ovarian cancer has only increased 2.5 percent. Not surprisingly, there has been substantial progress in prostate cancer detection and treatment, while achievements in ovarian cancer research continue to lag far behind. According to the Ovarian Cancer National Alliance, $37 million in outstanding ovarian cancer proposals will not been funded in 2005 due to limited resources.

Ovarian cancer is one example of the disparities women face in health research, prevention, and treatment. While progress has been made in some areas in recent years, there is still much more we must do to improve women's health. We need additional resources and we need Congressional action. I am pleased to be a cosponsor of H.R. 1245, also known as Johanna's Law. This legislation will authorize a federal campaign for gynecologic cancer education designed to improve early detection. It is one important step in closing the healthcare gap between men and women, and it should be enacted without delay.

As we celebrate National Women's Health Week and the achievements made to improve the health and well being of women, I urge my colleagues to take a moment to reflect on the differences in health between men and women and encourage us to make a much stronger commitment to promoting women's health in this country.

SEX DIFFERENCES ON HEALTH AWARENESS DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mrs. MALONEY. Mr. Speaker, I rise today in recognition of Sex Differences in Health Awareness Day.

Scientists have long known of the anatomical differences between the sexes, but we also know that diseases and drugs can affect men and women differently.

Thanks to the efforts of the Society for Women's Health Research over the last fifteen

years to mandate that women be included in clinical trials and that analysis of research include sex differences at all levels, from genes to behavior, women and men are now gaining greater knowledge of their unique differences and optimal health care.

Sex differences have been found everywhere from the composition of bone matter and the experience of pain to the metabolism of certain drugs and the rate of brain activity.

Through sex-based biology research, the study of biological and physiological differences between men and women, scientists have discovered many differences between men and women in terms of their health.

For example:

Heart disease kills 500,000 American women each year—over 50,000 more women than men—and strikes women, on average, ten years later than men.

Three out of four people suffering from autoimmune diseases, such as multiple sclerosis, rheumatoid arthritis, and lupus, are women.

Lung cancer is the leading cancer killer of American women, causing an estimated 25 percent of cancer deaths in women in 2004. Several studies have indicated that compared to men, women who smoke are more likely to develop lung cancer at a younger age and at lower levels of exposure to cigarette smoke.

HIV/AIDS is the fourth leading cause of death for women aged 35–44, and the sixth leading cause of death for women aged 25–34 in the United States. The efficiency of male-to-female infection of HIV is more than two times higher than that of female-to-male infection.

Women are two to three times more likely than men to suffer from depression.

Women comprise 80 percent of the population suffering from osteoporosis.

Women are two times more likely than men to contract a sexually transmitted disease.

Until the 1990s, biomedical research was firmly rooted in the male model—the belief that male biology (outside of the reproductive system) was representative of the species and that where female biology differed from male biology, it was ''atypical'' or ''anomalous.''

Change occurred in the early 1990s to address the dearth of knowledge about female biology caused by the lack of inclusion of women in clinical research studies due to policies and practices seeking to protect the fetus from harm should a study participant become pregnant.

Now that women are included in clinical research, much has been discovered about how different women are from men.

Research on women's health can both improve and save lives. As a result of such research, death rates have decreased for women with tumors of the cervix, breast, uterus, and ovary due to advances in detection and treatment, such as the development of a cervical cancer vaccine. Quality of life has also improved for cancer patients through the development of less invasive surgical techniques, organ-sparing treatments, and better control of pain and nausea related to chemotherapy.

Additionally, research on women's health can lead to less expensive treatments and cost-saving prevention strategies. For example, the total economic value to Americans from reductions in mortality from cardiovascular disease, which strikes 50,000 more women than men each year, averaged $1.5 trillion annually between 1970 and 1990.

Most recently, scientists have discovered significant information with respect to the leading role the X chromosome plays in the lives of both women and men. Therefore, women's health research is critical to all of us.

While progress has been made in recent years, there is still much more that Congress can do to improve women's health. The Office of Research on Women's Health, ORWH, in the Office of the Director at NIH must be fully funded so that it can continue supporting the expansion and funding of peer-reviewed Specialized Centers of Research on Sex and Gender Factors Affecting Women's Health, SCOR, and the Building Interdisciplinary Research Careers in Women's Health, BIRCWH, programs.

ORWH has taken the critical long-term lead in partnering with various NIH institutes and centers to advance research on women's health and on sex and gender factors, resulting in the following developments: the prevention of cervical cancer with an HPV vaccine; decreasing cardiovascular disease in middle-aged women by preventing recurrent episodes of depression; basic science advances in systemic Lupus Erythematosis research; and discovery of bone loss acceleration before the final menstrual period leading to an important finding related to osteosporosis-related fractures.

In addition, I urge Congress to pass legislation that I have introduced with Representative PRYCE, H.R. 949, the Women's Health Office Act, a bill to provide permanent authorization for existing offices of women's health in five federal agencies: the Department of Health and Human Services; the Centers for Disease Control and Prevention; the Agency for Healthcare Research and Quality; the Health Resources and Services Administration; and the Food and Drug Administration. This will allow these offices to carry out their important work without facing underfunding, understaffing, or elimination in the future.

Congress should further encourage NIH to update and modify its guidelines to actively promote sex differences research at all levels, including basic research in cell and tissue culture, development and study of appropriate animal models, and in early stage clinical research.

I would like to commend the Society for Women's Health Research for its research about the differences between men's and women's health needs.

HONORING DR. GERALD ''CARTY'' MONETTE

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. POMEROY. Mr. Speaker, I rise today to honor a colleague and dear friend of mine as he retires as President of the Turtle Mountain Community College in my state of North Dakota. I have had the privilege of knowing Dr. ''Carty'' Monette since first being elected to Congress in 1992 and have seen firsthand the leadership and devoted service he has provided in developing the College into the strong institution that it is today.

Dr. Monette has been with the Turtle Mountain Community College ever since its inception in 1973. He served his first five years as College Director before becoming President in 1978. During his tenure, he oversaw the College's growth from a young, fledging institution to a nationally-recognized leader in tribally-controlled post-secondary education. Not only has Dr. Monette lead the way in helping the College achieve excellence, but his efforts have also truly enhanced the entire community in Belcourt, North Dakota. After 27 great years, he will be difficult to replace.

I know that Dr. Monette will be sorely missed by all who have known his dedication to the Turtle Mountain Band of Chippewa in North Dakota and American Indians across the nation. I offer him my congratulations and best wishes for his continued success and happiness in his well-earned retirement years.

HONORING THE CONTRIBUTIONS OF NADINE HOGAN BUDA ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Nadine Hogan, Buda Elementary School Teacher of the Year.

Nadine Hogan is a self-described ''crooked flyer.'' She achieved a Masters degree in Accounting, going through the motions of higher education because she felt it was what she was ''supposed'' to do. Nadine always loved children, and wanted to help those ''flying crooked.'' After graduate school, she spent time working as a therapist with children in foster care.

In 1999, she responded to an urgent call for additional teachers. She became a Special Educator because there were children who needed help, help she knew she could provide. Nadine Hogan can always get a child ready to learn by focusing on life lessons students can apply to every facet of their education.

Students have a high regard for Nadine because of the ''fun'' they have in her classes. She loves her kids, and she loves her job.

I am honored to recognize the Nadine Hogan as the Buda Elementary School Teacher of the Year. Her hard work and passion have left a lasting contribution with each of her students.

HONORING ZEE FERRUFINO AND KBNO RADIO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor a great Colorado businessman and community leader, Zee Ferrufino. Mr. Ferrufino is the owner and CEO of Latino Communications which is the parent company to KBNO 1280AM Radio in Denver.

KBNO ''Que Bueno'' has long been the leader in Denver's Hispanic radio market reaching over half a million people in the Denver metro area. Recently, for the first time in

its history, KBNO ranked #1 among adults aged 18–44. All of this—in spite of my occasional appearance on the radio speaking in broken Spanish!

Zee doesn't attribute the success of KBNO simply to the growth in Colorado's Hispanic community, though he acknowledges that is certainly a component. As a successful businessman, he recognizes the importance that the strong purchasing power of the Hispanic community has played in elevating the success of Spanish radio. He points out that in 1990, there were about 2,000 Hispanic-owned businesses, by the year 2000 that number had jumped to 30,000, and in ten years it is expected to increase to 60,000. It is increasingly critical for the mainstream media to adjust to these changing market forces. Zee has long-recognized this trend and has remained ahead of the curve.

In addition to being a successful Colorado businessman for several decades, Zee is a prominent community leader. In 1997, former Colorado Governor Dick Lamm presented him with the "Americans by Choice" award and in 1983 he was given the "Outstanding Business Person" by the Minority Business and Professional Directory. In addition, he was the recipient of the Small Business Administration's Advocate of the Year Award and the Daniel Ritchie Ethics in Business Award. He was also selected by former Colorado Governor Roy Romer to serve on the International Business Development Committee.

Zee has been a leading advocate in the Hispanic community working diligently on issues of importance like education, economic development and civil rights. More than that, he is a role model not only for young Hispanics, but for anyone who has dreams of success and the fortitude to carry out those dreams. I ask my colleagues to join with me in honoring a great American success story, KBNO Radio, and Zee Ferrufino.

Que bueno!

IN HONOR OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Ms. ESHOO. Mr. Speaker, I rise today joining my many colleagues in celebrating and observing Mayas Asian Pacific American Heritage month. Nearly 17 percent of my constituents in California's 14th Congressional District self-identify as being of Asian, Hawaiian or Pacific Islander descent and it's an honor to join them in a celebration of their heritage and culture.

Since the early 1800's, Asian and Pacific Islander Americans have played a crucial role in the development of our Nation. From the building of the transcontinental railroads, to the heroic contributions during the Civil War, to the sacrifices made by those wrongfully imprisoned in internment camps during World War II, Asian Americans have made lasting contributions to all facets of American society. I have a great appreciation for the broad ethnic mosaic which makes our country great, and it's especially important this month that we recognize and pay tribute to the contributions of the Asian and Pacific Islander American community to our country.

I'm proud to work with my colleagues to address issues of special concern to the Asian and Pacific Islander American community: protecting Social Security, ensuring equal access to healthcare, providing for a quality education, and safeguarding civil rights. These are the principles that reflect this year's theme of "Liberty and Freedom for All."

I want to particularly pay tribute to three fallen heroes in the Asian and Pacific Islander American community this year: my dear friend and colleague Representative Bob Matsui, Dr. John B. Tsu, and Fred Korematsu. These extraordinary men stood for equality, justice, and freedom for all Americans and I join my colleagues in remembering their unparalleled legacies.

It would be impossible to name every single extraordinary Asian American in California's 14th Congressional District, but I do want to recognize some of the outstanding community leaders, elected officials and activists I'm proud to call my constituents and friends: Alice Bulos, State Chair of the Filipino Caucus; Yamei Lee, leader and activist within the Taiwanese Community; Karyl Matsumoto, member of the South San Francisco City Council; the late Cpl. Burnrok Lee, a Sunnyvale resident who lost his life serving our country in Iraq; the late Iris Chang, author of "The Rape of Nanking"; Jessica Yu, Academy Award winner for the documentary film "Breathing Lessons"; Margaret Abe-Koga, former member of the Santa Clara County Board of Education; Paul Fong, professor of political science at Evergreen Valley College and a local business owner; Randy Okamura, SBC's director of Regulatory and Constituency Relations for California; Michael Chang, former city of Cupertino councilmember; Dean Chu, mayor of the city of Sunnyvale; Otto Lee, city of Sunnyvale councilmember; Homer Tong, chemistry teacher at De Anza College and member of the Fremont Union High School District Board of Trustees; Pearl Cheng, former president and current member of the Cupertino Union School District Board of Trustees; Joyce Iwasaki, Director of Community Affairs for Sugimura & Associates Architects, founder of the Ed Iwasaki Memorial Fund Scholarship Project and the Midori Kai Professional Women's Group; Patrick Kwok, mayor of the city of Cupertino; Kris Wang, city of Cupertino councilmember; Arthur Fong, recipient of a Lifetime Achievement Award from Avenidas who has endowed scholarships at Stanford and UC Berkeley and has also focused on philanthropic support for health care and the Palo Alto Medical Foundation; Yoriko Kishimoto, city of Palo Alto councilmember; Aileen Kao, city of Saratoga councilmember; Jerry Yang, CEO of Yahoo, Inc.; Kathryn Ho, member of the Fremont Union High School District Board of Trustees; Mark Shu, vice president of Hambrecht & Quist Asia; Talin Shu, president of Hambrecht & Quist Asia; T.N. Ho, member of the Santa Clara County Board of Education; Ben Liao, member of the Cupertino Union School District Board of Trustees; Hsing Kung, President and CEO of Pine Photonics Communications; Ken Fong, CEO of CloneTech; David Mineta, member of the Jefferson Union High School District Board of Trustees and associate director of Asian American Recovery Services for San Mateo County; Karen Leong Clancy, member of the Belmont-Redwood Shores School District Board of Trustees; Judge Erica R. Yew, Santa Clara County Superior Court; Margaret M. Abe, community leader and activist and 2004 recipient of the Norman Y. Mineta Lifetime Achievement Award; Cynthia Chang, member of the Los Gatos-Saratoga Joint Union High School District Board of Trustees; Yoshihiro Uchida, president of Uchida Enterprises, Inc. and community leader; Nancy Hatamiya, chief of staff to Assemblymember Pedro Naba with over 15 years of public service; Lon Hatamiya, secretary of the California Technology, Trade and Commerce Agency; Alfred Chuang, founder, president and CEO of BEA Systems; Emily Cheng, first female Chinese American mayor of a city in the Bay Area, Los Altos Hills; and Art Takahara, former mayor and councilmember of the city of Mountain View and CEO of De Anza Manufacturing Services.

IN HONOR OF MARGARET HUMMER MAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. FARR. Mr. Speaker, I rise to honor the life and memory of Margaret Hummer May, a devoted wife, mother, teacher and political activist. She spent her life working to make her community a better place to live in. Margaret is survived by her 5 children, Monica May, Irene Lawler, Robert P. May, Theresa May Duggan, and Joanne May White as well as her 7 grandchildren and 6 great-grandchildren.

Before meeting her late husband, James T. May, she received a Bachelor's Degree with honors from the University of Utah and served as Home Service Director of the Salt Lake Chapter of the Red Cross. Margaret and James lived in Alisal and Salinas for over 50 years where she was involved at Sacred Heart Church and volunteered for the State Mental Health Program. She eventually received her teaching credentials from UC Santa Cruz and taught in bilingual pre-schools in the Salinas Elementary School District.

Margaret was devoted to the ideals of social justice and world peace which is apparent though her political activism as well as through her numerous volunteer activities. Margaret showed her dedication to her community through her involvement in local politics. As a lifelong Democrat, she was an active member of the Democratic Women's Club of Monterey County and she also worked for various political campaigns.

Mr. Speaker, please join me in honoring this amazing woman. Our community has lost a dedicated public servant but her legacy will live on through all she has achieved.

HONORING THE CONTRIBUTIONS OF MARY ARIZPE, KYLE ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the extensive contributions of Mary Arizpe, Kyle Elementary School Teacher of the Year.

Mary Arizpe began her teaching career at seven by ''grading'' her siblings' pictures in a coloring book. She advanced her budding career by helping out in her mother's Special Education classes. Following the birth of her children, Mrs. Arizpe began baby sitting, and was lauded by friends because she didn't just watch the children—she taught them as well.

Mary began her career teaching a class of two-year-olds. The children's excitement was contagious, and she was amazed at how much she enjoyed her job.

Mary Arizpe teaches her students to like, if not love school. In her classroom, hugs and praise are given freely in a climate of acceptance where all students can feel happy and successful. She believes teaching these traits in early schooling prepares her students to weather any future challenges they might encounter.

I am privileged to acknowledge Mary Arizpe, the Kyle Elementary School Teacher of the Year. Through her passion and love of teaching, Mrs. Arizpe provides her community with an abundance of excellent leadership.

Daily Digest

HIGHLIGHTS

Senate agreed to the Conference Report to accompany H.R. 1268, Emergency Supplemental Appropriations.

House Committee ordered reported the following appropriations for Fiscal Year 2006: The Department of Homeland Security; and the Interior, Environment, and Related Agencies.

Senate

Chamber Action

Routine Proceedings, pages S4797–S4885

Measures Introduced: Ten bills and three resolutions were introduced, as follows: S. 984–993, S.J. Res. 18, S. Res. 135, and S. Con. Res. 31.

Page S4869

Measures Reported:

Report to accompany S. 250, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act.(S. Rept. No. 109–65)

Page S4869

Measures Passed:

Enrollment Correction: Senate agreed to S. Con. Res. 31, to correct the enrollment of H.R. 1268.

Pages S4849, S4879–80

Annual Letter Carriers Food Drive: Committee on the Judiciary was discharged from further consideration of S. Res. 133, recognizing the 13th Annual National Association of Letter Carriers Food Drive, and the resolution was then agreed to. **Page S4883**

Congratulating National Asphalt Pavement Association: Senate agreed to S. Res. 135, congratulating the National Asphalt Pavement Association on its 50th anniversary and recognizing the contributions of members of the Association to the United States. **Pages S4883–84**

Honoring Tuskegee Airmen: Committee on Armed Services was discharged from further consideration of H. Con. Res. 26, 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, and the resolution was then agreed to. **Page S4884**

Relative to Former Liberia President Charles Ghankay Taylor: Senate agreed to H. Con. Res. 127, calling on the Government of the Federal Republic of Nigeria to transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes, crimes against humanity, and other serious violations of international humanitarian law.

Page S4884

Transportation Equity Act: Senate continued consideration of H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, taking action on the following amendments proposed thereto: **Pages S4849–59**

Adopted:

Hutchison Amendment No. 617 (to Amendment No. 605), to limit the number offacilities at which the Secretary may collect tolls in the State of Virginia. **Pages S4855–56**

Pending:

Inhofe Amendment No. 605, to provide a complete substitute. **Page S4849**

A motion was entered to close further debate on Inhofe Amendment No. 605 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, May 12, 2005. **Page S4854**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, May 12, 2005. **Page S4854**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m. on Wednesday, May 11, 2005. **Page S4885**

Emergency Supplemental Appropriations Act—Conference Report: By a unanimous vote of 100 yeas (Vote No. 117), Senate agreed to the conference report to accompany H.R. 1268, making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, clearing the measure for the President. **Pages S4806–49**

Messages From the House: **Page S4867**

Measures Referred: **Page S4867**

Measures Read First Time: **Pages S4867–68**

Executive Communications: **Pages S4868–69**

Additional Cosponsors: **Pages S4869–71**

Statements on Introduced Bills/Resolutions: **Pages S4871–79**

Additional Statements: **Pages S4865–67**

Amendments Submitted: **Pages S4880–82**

Notices of Hearings/Meetings: **Page S4882**

Authority for Committees to Meet: **Pages S4882–83**

Privilege of the Floor: **Page S4883**

Record Votes: One record vote was taken today. (Total—117) **Pages S4848–49**

Adjournment: Senate convened at 9:45 a.m. and adjourned at 8:24 p.m. until 9:30 a.m., on Wednesday, May 11, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4885.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEFENSE MEDICAL HEALTH PROGRAM

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2006 for the Defense Medical Health Program, after receiving testimony from Lieutenant General Kevin C. Kiley, Surgeon General of the Army; Vice Admiral Donald C. Arthur, Surgeon General of the Navy; Lieutenant General George Peach Taylor, Jr., Surgeon General of the Air Force; Colonel Barbara J. Bruno, Deputy Chief, Army Nurse Corps; Rear Admiral Nancy J. Lescavage, Director, Navy Nurse Corps; and Major General Barbara C. Brannon, Assistant Air Force Surgeon General for Nursing Services.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on SeaPower met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2006.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2006.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2006.

IDENTITY THEFT

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine issues relating to identity theft and fraud, focusing on data broker services and the treatment of such services under existing State and Federal privacy laws, consumer protection, and challenges in securing electronic data, after receiving testimony from Kurt P. Sanford, LexisNexis, Miamisburg, Ohio; Douglas C. Curling, ChoicePoint, Inc., Alpharetta, Georgia; Jennifer T. Barrett, Acxiom Corporation, Little Rock, Arkansas; Paul B. Kurtz, Cyber Security Industry Alliance, Arlington, Virginia; Marc Rotenberg, Electronic Privacy Information Center, and Mari J. Frank, Mari J. Frank and Associates, Laguna Niguel, California.

NATIONAL PARK SERVICE

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine the National Park Service's funding needs for administration and management of the national park system, after receiving testimony from Fran P. Mainella, Director, National Park Service, Department of the Interior; Greg Moore, Golden Gate National Parks Conservancy, San Francisco, California; Robert Arnberger, The Coalition of National Park Service Retirees, Tucson, Arizona; and Lee Werst, Association of National Park Rangers, Orem, Utah.

OSHA AND SMALL BUSINESS

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment and Workplace Safety concluded a hearing to examine ways to improve the relationship between OSHA and small business, focusing on OSHA rules and regulations to protect the health and safety of small business employees,

after receiving testimony from Jerrold Dodd, Dayton United Metal Spinners, Inc., Dayton, Ohio, on behalf of the National Association of Manufacturers; Arthur G. Sapper, McDermott, Will and Emery, LLP, on behalf of the U.S. Chamber of Commerce, and Lynn Rhinehart, AFL–CIO, both of Washington, D.C.; and Roy Swindal, Bessemer, Alabama.

USA PATRIOT ACT

Committee on the Judiciary: Committee concluded an oversight hearing to examine the implementation of the USA PATRIOT Act (Public Law 107–56), focusing on civil liberties, national security versus domestic policing, and business records, after receiving testimony from Senators Craig and Durbin; former Representative Bob Barr, Liberty Strategies, LLC, Atlanta, Georgia, on behalf of the Patriots to Restore Checks and Balances; David Cole, Georgetown University Law Center, James X. Dempsey, Center for Democracy and Technology, Andrew C. McCarthy, The Foundation for the Defense of Democracies, and Suzanne E. Spaulding, The Harbour Group, LLC, all of Washington, D.C.; Daniel P. Collins, Munger, Tolles, and Olsen, LLP, Los Angeles, California.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 40 public bills, H.R. 2207–2246; 1 private bill, H.R. 2247; and; 2 resolutions, H. Con. Res. 148, and H. Res. 270 were introduced. **Pages H3112–13**

Additional Cosponsors: **Pages H3113–14**

Reports Filed: Reports were filed today as follows:

H.R. 1037, to make technical corrections to title 17, United States Code (H. Rept. 109–75);

H. Res. 268, providing for consideration of H.R. 1279 to amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes (H. Rept. 109–76); and

H. Res. 269, providing for consideration of H.R. 1544 to provide faster and smarter funding for first responders, and for other purposes. (H. Rept. 109–77). **Pages H3111–12**

Recess: The House recessed at 12:47 p.m. and reconvened at 2 p.m. **Page H3062**

Capitol Preservation Commission—Appointment: Read a letter from Representative Ney, Chairman of the Joint Committee on the Library, wherein he designated Representative Mica to serve on the Capitol Preservation Commission, as provided for in Public Law 101–696 Section 801. **Page H3065**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Charles "Pete" Conrad Astronomy Awards Act: H.R. 1023, to authorize the Administrator of the National Aeronautics and Space Administration to establish an awards program in honor of Charles "Pete" Conrad, astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories; **Pages H3065–68**

Expressing support to the organizers and participants of the Assembly to Promote the Civil Society in Cuba on May 20, 2005: H. Res. 193, expressing support to the organizers and participants of the historic meeting of the Assembly to Promote the Civil Society in Cuba on May 20, 2005, in Havana, by a 2/3 yea-and-nay vote of 392 yeas to 22 nays with one voting "present", Roll No. 162; **Pages H3068–71, H3084–85**

Supporting the goals and ideals of a "Rotary International Day": H. Res. 142, supporting the goals and ideals of a "Rotary International Day" and celebrating and honoring Rotary International on the occasion of its centennial anniversary, by a 2/3 yea-and-nay vote of 413 yeas with none voting "nay", Roll No. 163; **Pages H3071–75, H3085–86**

Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby: H. Con. Res. 86, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; **Pages H3075–76**

Authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run: H. Con. Res. 135, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; and **Pages H3076–77**

Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service: H. Con. Res. 136, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service. **Pages H3077–79**

Recess: The House recessed at 3:44 p.m. and reconvened at 5:40 p.m. **Page H3079**

Point of Personal Privilege: Representative Jackson-Lee rose to a point of personal privilege and was recognized. **Pages H3079–84**

Senate Message: Message received from the Senate today appears on pages H3063, H3098.

Senate Referral: S. 148 was referred to the Committee on Education and the Workforce and the Committee on Energy and Commerce; S. Con. Res. 31 was held at the desk. **Page H3111**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings today and appear on pages H3084–85, H3085–86. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:52 p.m.

Committee Meetings

DEPARTMENT OF HOMELAND SECURITY AND THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2006; SUBALLOCATION OF BUDGET ALLOCATIONS FOR FISCAL YEAR 2006

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 2006: The Department of Homeland Security; and the Interior, Environment, and Related Agencies.

The Committee also approved the Suballocation of Budget Allocations for Fiscal Year 2006.

TRANSPORTATION, TREASURY, HUD, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies held a hearing on the Federal Highway Administration and the FAA. Testimony was heard from the following officials of the Department of Transportation: Mary E. Peters, Administrator, Federal Highway Administration; and Marion C. Blakey, Administrator, FAA.

MUTUAL FUNDS REGULATIONS

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''Mutual Funds: A Review of the Regulatory Landscape.'' Testimony was heard from Meyer Eisenberg. Acting Director, Division of Investment Management, SEC; and public witnesses.

DOD COUNTERNARCOTICS BUDGET

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled ''2006 DoD Counternarcotics Budget: Does it Deliver the Necessary Support?'' Testimony was heard from the following officials of the Department of Defense: Marybeth Long, Deputy Assistant Secretary, Special Operations and Low Intensity Conflict; COL. John D. Nelson, USA, Director, Plans, Joint Task Force North, U.S. Northern Command; CAPT. Edmund Turner, USN, Deputy Director, Current Operations, U.S. Southern Command; and CAPT. Jim Stahlman, USN, Assistant Operations Officer, U.S. Central Command; and Lennard Wolfson, Assistant Deputy Director, Office of Supply Reduction, Office of National Drug Control Policy.

CENSUS DATA—PUBLIC POLICY AND URBAN AMERICA

Committee on Government Reform: Subcommittee on Federalism and the Census, hearing entitled ''Life in the Big City: What is Census Data Telling Us About Urban America and are Policymakers Listening?'' Testimony was heard from Charles Louis Kincannon, Director, Bureau of the Census, Department of Commerce; Thomas M. Dowd, Deputy Assistant Secretary, Employment and Training Administration, Department of Labor; Mitchell Silver, Deputy Director, Long Range Planning, Office of Planning, District of Columbia; and public witnesses.

OVERSEAS SECURITY

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled ''Overseas Security: Hardening Soft Targets.'' Testimony was heard from Jess Ford, Director, International Affairs and Trade Division, GAO; the following officials of the Department of State: Greg Starr, Deputy Assistant Secretary, Countermeasures, Bureau of Diplomatic Security and Foreign Missions; Ambassador Prudence Bushnell, Dean, School of Leadership and Management, The George P. Shultz, National Foreign Affairs Training Center; and Keith Miller, Director, Office of Overseas Schools; and public witnesses.

OVERSIGHT—USA PATRIOT ACT IMPLEMENTATION

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held an oversight hearing on the Implementation of the USA PATRIOT Act: Prohibition of Material Support under Sections 805 of the USA PATRIOT Act and 6603 of the Intelligence Reform and Terrorism Prevention Act of 2004. Testimony was heard from the following officials of the Department of Justice: Glenn A. Fine, Inspector General; Gregory Katsas, Deputy Assistant Attorney General; and Barry Sabin, Chief, Counterterrorism Section for the Criminal Division; and a public witness.

FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT

Committee on Rules: The Committee granted, by voice vote, a structured rule providing one hour of general debate on H.R. 1544, Faster and Smarter Funding for First Responders Act, equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Homeland Security. The rule makes in orderly only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent,

shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Cox and Representatives Bass, Thompson of Mississippi, and Cuellar.

GANG DETERRENCE AND COMMUNITY PROTECTION ACT

Committee on Rules: The Committee granted, by voice vote, a structured rule providing one hour of general debate on H.R. 1279, Gang Deterrence and Community Protection Act, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Forbes, Scott of Virginia, Jackson-Lee of Texas, Waters, Crowley, Watson, Cardoza and Cuellar.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 11, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine the Gynecologic Cancer Education and Awareness Act of 2003, to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers, 9 a.m., SD–G50.

Subcommittee on Defense, to hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Missile Defense Program, 10 a.m., SD–192.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine issues relating to ALS (Lou Gehrig's Disease), 10 a.m., SD–G50.

Subcommittee on Legislative Branch, to hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Government Printing Office, the Congressional Budget Office, and the Office of Compliance, 10:30 a.m., SD–116.

Committee on Armed Services: Subcommittee on Strategic Forces, closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2006, 9 a.m., SR–222.

Subcommittee on Personnel, closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2006, 10 a.m., SR–232A.

Subcommittee on Readiness and Management Support, closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2006, 11:30 a.m., SR–222.

Full Committee, closed business meeting to markup the proposed National Defense Authorization Act for Fiscal Year 2006, 2:30 p.m., SR–222.

Committee on Commerce, Science, and Transportation: to hold hearings to examine issues relating to spyware, 10 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine S. 895, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe affordable, and reliable water supply to rural residents, 10 a.m., SD–366.

Subcommittee on Public Lands and Forests, to hold hearings to examine S. 100, to authorize the exchange of certain land in the State of Colorado, S. 235 and H.R. 816, bills to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada, S. 404, to make a technical correction relating to the land conveyance authorized by Public Law 108–67, S. 741, to provide for the disposal of certain Forest Service administrative sites in the State of Oregon, S. 761, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and H.R. 486, to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base, 2 p.m., SD–366.

Committee on Foreign Relations: Subcommittee on European Affairs, to hold hearings to examine the United

States-European Union regulatory cooperation on emerging technologies, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Bioterrorism and Public Health Preparedness, to hold hearings to examine 21st century biological threats, 2 p.m.,SD–430.

Committee on Indian Affairs: to hold an oversight hearing to examine Federal recognition of Indian tribes, 9:30 a.m., SD–106.

Committee on the Judiciary: business meeting to resume mark up of S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, 9:30 a.m., SD–226.

Select Committee on Intelligence: to hold a closed briefing on certain intelligence matters, 2:30 p.m., SH–219

House

Committee on Appropriations, Subcommittee on Foreign Operations, Export Financing, and Related Programs, on the Treasury Department, 10 a.m., 2359 Rayburn.

Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, on the National Highway Traffic Safety Administration, 10 a.m., 2358 Rayburn.

Committee on Armed Services, Subcommittee on Military Personnel, to mark up H.R. 1815, National Defense Authorization Act for Fiscal Year 2006, 1 p.m., 2118 Rayburn.

Subcommittee on Projection Forces, to mark up H.R 1815, National Defense Authorization Act for Fiscal Year 2006, 11:30 a.m., 2212 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, to mark up H.R. 1815, National Defense Authorization Act for Fiscal Year 2006, 10 a.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on Education Reform, to mark up H.R. 2123, School Readiness Act of 2005, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up H.R. 1817m Department of Homeland Security Authorization Act for Fiscal Year 2006, 2 p.m., 2123 Rayburn.

Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled ''Security Consumers' Data: Options Following Security Breaches,'' 11 a.m., 2123 Rayburn.

Committee on Financial Services, hearing on H.R. 1999, State and Local Housing Flexibility Act of 2005, 2 p.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit and the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, joint hearing entitled ''Basel II: Capital Changes in the U.S. Banking System and the Results of the Impact Study,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Government Management, Finance, and Accountability, hearing entitled ''Information Policy in the 21st Century—A Review of the Freedom of Information Act, 2 p.m., 2247 Rayburn.

Committee on International Relations, hearing entitled ''Plan Colombia: MajorSuccesses and New Challenges,'' 2 p.m., 2172 Rayburn.

Subcommittee on Europe and Emerging Threats, hearing entitled ''The State of U.S.-Turkish Relations,'' 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet and Intellectual Property, oversight hearing on Oversight of Public Performance Rights Organizations, 4 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 38, Upper White Salmon Wild and Scenic Rivers Act; H.R. 517, Secure Rural Schools and Community Self-Determination Reauthorization Act of 2005; H.R. 539, Caribbean National Forest Act of 2005; and H.R. 1905, To amend the Small Tracts Act to facilitate the exchange of small tracts of land, 3:30 p.m., 1334 Longworth.

Committee on Science, Subcommittee on Environment, Technology, and Standards, hearing on Europe, China and the Use of Technical Standards as Trade Barriers: How should the U.S. Respond? 2 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways, Transit, and Pipelines, oversight hearing on Hazardous Materials Endorsement Background Checks, 2 p.m., 2167 Rayburn.

Subcommittee on Railroads, oversight hearing on Getting Acela Back on Track, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, to mark up H.R. 2046, Servicemembers' Health Insurance Protection Act of 2005, 11 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, hearing on the PATRIOT Act, 10 a.m. 2141 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 11

Senate Chamber

Program for Wednesday: After the transaction of any routine morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 3, Transportation Equity Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 11

House Chamber

Program for Wednesday: Consideration of H.R. 1279, Gang Deterrence and Community Protection Act of 2005 (subject to a rule).

Extensions of Remarks, as inserted in this issue

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